NO.

CHAPTER NO. ___

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, RHODE ISLAND; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

APPROVED October 21, 1968

BE IT ORDAINED BY THE CITY OF PROVIDENCE, RHODE ISLAND, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME:

Section 1. That the Code of Ordinances, consisting of Chapters 1 to 27, each inclusive, is hereby adopted and enacted as the "Code of Ordinances of the City of Providence, Rhode Island," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances of the City passed on or before December 16, 1966, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and the 21st day of October, 1968 and all ordinances of a general and permanent nature of the City of Providence, enacted on final passage on or before December 16, 1966, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after the 21st day of October, 1968, except as hereinafter provided. No resolution of the city not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect the following:

(a) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;

(b) Any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness, or any contract or obligation assumed by the City;

(c) Any administrative ordinances of the City, not in conflict or inconsistent with the provisions of such Code;

(d) Any ordinance fixing salaries of officers or employees of the City;

(e) Any appropriation ordinance;

(f) Any right or franchise granted by the Common Council of the City to any person, firm or corporation;

(g) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the City;

(h) Any ordinance establishing and prescribing the street grades of any street in the City;

(i) Any ordinance providing for local improvements or assessing taxes therefor;

(j) Any ordinance dedicating or accepting any plat or subdivision in the City, or providing regulations for the same;

(k) Any ordinance annexing property to the City;

(l) Any zoning ordinance of the City;

(m) Any ordinance regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures, including particularly the Building Ordinance of the City of Providence, Chapter 1079 of 1956, as amended;

(n) Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with such Code;

(o) Any ordinance fixing utility rates and charges;

(p) Any ordinance approving a redevelopment area;

(q) Any ordinance enacted after December 16, 1966;

nor shall such repeal be construed to revive any ordinance or part of an ordinance which is repealed by this ordinance.

Section 4. That whenever in such Code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provisions of such Code shall be punished as provided in Section 1-10 of such Code.

Section 5. That any and all additions and amendments to such Code when passed in such form as to indicate an intention to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Providence, Rhode Island," shall be understood and intended to include such additions and amendments.

Section 6. That in case of amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 1-10 of such Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty is provided in such other section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That a copy of such Code shall be kept on file in the office of the City Clerk, preserved in looseleaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by him, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Mayor and Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time may be repealed by the Mayor and Council. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or alter by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Providence to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 1-10 of the "Code of Ordinances of the City of Providence, Rhode Island.

Section 9. That all ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict hereby repealed.

Section 10. That this ordinance shall become effective on the 21st day of October, 1968.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL on this 17th day of October, 1968.

APPROVED BY THE MAYOR on the 21st day of October, 1968.

Joseph A. Doorley Jr.
Mayor

ATTEST:

Vincent Crispi
City Clerk

(COMPLETE TEXT OF SUBJECT ORDINANCE APPENDED)

IN CITY COUNCIL
OCT 3 - 1968
FIRST READING
READ AND PASSED
Vincent Crespia
CLERK

APPROVED
OCT 21 1968
Joseph A. Doorley Jr.
MAYOR

IN CITY COUNCIL
OCT 17 1968
FINAL READING
READ AND PASSED
Russell J. Boyle
PRESIDENT
Vincent Crespia
CLERK

FILED
AUG 21 1 30 PM '68
DEPUTY CITY CLERK
PROVIDENCE, R.I.

CERTIFICATE

I, Vincent Vespia, City Clerk, do hereby certify that the above and foregoing is a true and correct copy of that certain ordinance of like tenor and effect, passed on the 21st day of October, 1968, by the Council of the City of Providence, Rhode Island, and approved by the Mayor of said City, and as now appears duly recorded in the Journal of Proceedings of the said Council, No. 41, in the Department of the City Clerk.

IN WITNESS WHEREOF, I have hereunto affixed my signature the 21st day of October, 1968.

Vincent Vespia
City Clerk

IN CITY COUNCIL

SEP 5 - 1968

FIRST READING

REFERRED TO COMMITTEE ON ORDINANCES

Vincent Trespa CLERK

THE COMMITTEE ON ORDINANCES

Approves Passage of The Within Ordinance

Vincent Trespa Chairman

SEP 26 1968 Clerk

Councilmen McNulty and Pesters, by request

CITY OF PROVIDENCE

Department of City Clerk

MEMORANDUM

Providence, R. I. August 21, 1968

TO: City Solicitor McOsker

SUBJECT: Suggested Ordinance Adopting the New Code of Ordinances and Accompanying Subject Ordinances.

CONSIDERED BY: City Clerk, Vespia

DISPOSITION:

Accompanying is a form of Ordinance submitted by the publishing firm of Municipal Code Corporation, together with the Ordinances in looseleaf form.

Will you kindly inform me whether or not in your opinion the same are a proper form for submission to the City Council for its next meeting of September 5, 1968.

May I have your opinion not later than August 29th for preparation for Council submission.

Please return the subject Ordinance and Code upon completion of your study.

Vincent Vespia

City Clerk

ROBERT J. McOSKER
CITY SOLICITOR
DAVID J. KEHOE
EDWARD F. MALLOY
VINCENT J. PICCIRILLI
ASSISTANTS
RONALD H. GLANTZ
JOHN J. CAPPELLI
SPECIAL COUNSEL
GUERRINO A. BROSCO
CLAIMS ADJUSTER

LAW DEPARTMENT
CITY HALL, PROVIDENCE
RHODE ISLAND 02903

MAYOR
JOSEPH A. DOORLEY, JR.

August 26, 1968.

Vincent Vespia, City Clerk,
City Hall,
Providence, Rhode Island.

Dear Vincent:

RE: NEW CODE OF ORDINANCES AND SUBJECT ORDINANCES

I am in receipt of your Memorandum of August 21,1968 relative to the above matter.

The same are in proper form for submission to the City Council on September 5,1968.

Very truly yours,

Robert J. McOsker

ROBERT J. McOSKER,
CITY SOLICITOR

RJM:RAF

PART I

CHARTER LAWS*

Chapter 1

GENERAL PROVISIONS

Sec. 1. 1. Title.
Sec. 1. 2. Rules of construction.
Sec. 1. 3. Inhabitants may publish ordinances, provide penalties; penalty limits.
Sec. 1. 4. Existing ordinances, etc., to continue in effect; saving clause.
Sec. 1. 5. Police court; preservation of existing laws.
Sec. 1. 6. Probate court; preservation of existing laws.
Sec. 1. 7. Certain agencies unaltered by charter.
Sec. 1. 8. Preservation of government of school department, powers of school committee.
Sec. 1. 9. Records designated as public records.
Sec. 1.10. Public records to be open for inspection.
Sec. 1.11. Judicial relief to compel disclosure of public records.
Sec. 1.12. Allocation of functions.
Sec. 1.13. Separability of charter provisions.
Sec. 1.14. Effective date and repeal of provisions in conflict with charter.

Sec. 1.1. Title.

This act shall be known and may be cited as the "Providence Charter Act of 1940." (P. L. 1940, c. 832, § 147)

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*Editor's note—Part I of this publication, "Charter Laws", consists of the basic Charter Act of the City of Providence, Rhode Island, Chapter 832 of the Public Laws of 1940, as amended, together with various acts of a general and permanent nature relating to the City of Providence but not specifically amendatory of the Charter. The material has been rearranged and renumbered, to facilitate indexing and reference, and to permit physical incorporation of acts relating to the City of Providence but not amendatory of the Charter, as an integral part of the "Charter Laws".

In many instances catchlines of sections have been altered, or added where there were none. Similar treatment has been accorded to catch phrases within the sections. The substantive content of the sections, however, has not been changed. In some instances, words or phrases in brackets have been added, either to correct obvious errors or to clarify the meaning where the same is ambiguous.

When a section has been specifically amended, only that section as amended is set out; likewise, repealed provisions have been deleted. Directory provisions not of a substantive or regulatory nature, including severability and repealer provisions, and effective dates, except the directory provisions of the basic Charter Act, also have been deleted.

Following Part I is a disposition table giving the disposition of each section of each act included nerein.

State law reference—City to have and exercise existing powers and privileges, be subject to existing duties and liabilities, conferred or imposed by charter or by special acts relating to it, § 45-2-1, Gen. Laws 1956.

Sec. 1.2. Rules of construction.

(a) *References to board of aldermen and common council; joint committees.* Subject to the other provisions of this charter and except as otherwise provided therein, wherever in any general or special law, rule, regulation, resolution, order or ordinance continuing in force after the adoption of this charter there occurs with respect to the City of Providence (a) reference to the board of aldermen, the common council, the city council acting in joint convention, or both the board of aldermen and the common council acting in concurrence, such reference shall be deemed and construed to refer to the council as established in this charter, or (b) reference to a joint committee, whether standing or special, of the said city council or to a committee of the board of aldermen or of the common council, said reference shall be construed as if the word "joint" were omitted therefrom, or as if the council were specified in place of the board of aldermen or the common council, as the case may be, but if such construction shall be meaningless, such original reference shall be deemed and construed to specify that committee of the council, the functions of which most nearly conform to the committee so referred to, or if there be no such committee, to specify such committee as the council shall designate.

(b) *Powers and duties subject to alteration, amendment and repeal.* Subject to the other provisions of this charter, and except as otherwise provided therein, wherever the provisions of this charter vest or continue in any officer, board, commission, department or other agency or bureau of the city government or any deputy, assistant, clerk or other subordinate thereof, any powers and/or duties existing at the time of taking effect of this charter by virtue of any general or special law, rule, regulation, resolution, order or ordinance enacted by the former city council or either branch thereof, or promulgated by the mayor or hereafter so established by the council or mayor, all such powers and duties shall continue hereafter to be subject to the same powers of amendment, alteration and repeal by the council as the same now are subject to by action of the city council or either branch there-

of; and likewise shall continue to be subject to the same powers of amendment, alteration and repeal by the mayor as the same now are.

(c) *Revocation of executive orders.* All executive orders issued prior to the passage of this act, are hereby revoked, and all provisions of this charter shall be construed as though no such orders had been issued.

(d) *Now.* The word "now" as used in this act shall mean the effective date of this act or any amendment thereof.

(e) *Liberal construction.* It is the intention of the General Assembly that except where otherwise expressly provided in this charter the provisions hereof shall be liberally construed in favor of the grant of powers in such provisions given. (P. L. 1940, c. 832, § 144; P. L. 1951, c. 2723, § 2)

Amendment note—Prior to amendment by P.L. 1951, c. 2723, § 2, subsection (d) of this section provided that the word "now" be construed to mean "on the first day of October, 1939" unless other construction is required by the context.

Code reference—Rules of construction for Code of Ordinances, § 1-2.

Sec. 1.3. Inhabitants may publish ordinances, provide penalties; penalty limits.

Said inhabitants [of the city] may ordain and publish such laws, ordinances and regulations as shall be needful to the good order of the said body politic, and may provide for the imposition of fines and penalties for the breach thereof, not exceeding, for any one offense, two hundred dollars ($200.00), and six (6) months' imprisonment; and they may hold courts of judicature, with powers and jurisdictions hereinafter provided. (P. L. 1940, c. 832, § 2)

Code reference—General penalty for Code violation, § 1-10.

Sec. 1.4. Existing ordinances, etc., to continue in effect; saving clause.

Except insofar as they are inconsistent with this charter, all the ordinances, rules, resolutions, orders and regulations heretofore made by the common council or the board of aldermen, or both of them, and now in force, and all processes made under or by virtue of the same, shall, notwithstanding

this act, be and remain in force until they expire by limitation, or shall be repealed by said bodies respectively; and prosecutions and suits may be commenced and proceeded in thereon, in the name of said city, or of the officers or other persons by said ordinances, rules and regulations empowered or directed to prosecute or sue; and the fines and penalties recovered shall go to the uses in such ordinances, rules and regulations named, or according to law. Nothing in this act shall be construed to impair any right which has accrued, or discharge any obligation which has attached, by force of the facts to which this act is in amendment, otherwise than is herein specially provided for. (P. L. 1940, c. 832, § 6)

Sec. 1.5. Police court; preservation of existing laws.

The provisions of Section XII of Chapter 598 of the Public Laws of Rhode Island, January session, 1866, as amended,* relative to the police court of the City of Providence and all other provisions of law now in effect concerning the same are hereby continued in full force and effect, subject to the rules of construction set forth in this charter, and it is expressly intended that this charter shall in no way alter, amend or otherwise affect the qualifications, eligibilities, elections, or appointment, term of office, powers, and duties of said court, justices, clerk, deputy clerk, and assistants and subordinates thereof respectively or any existing provisions of law of whatsoever nature concerning the same, subject, however, to such civil service provisions as may, hereafter, be enacted by ordinance. (P. L. 1940, c. 832, § 134)

Sec. 1.6. Probate court; preservation of existing laws.

The provisions of Public Laws of Rhode Island of 1929, Chapter 1444,† relative to the probate court of the City of Providence and all other provisions of law now in effect

*Note—This section was amended by P.L. 1929, c. 1446, and by P.L. 1944, c. 1461.

State law reference—Provisions permitting justices of police court to join persons in marriage in the City of Providence, Gen. Laws, c. 415, § 8.

†Note—This chapter was amended by P.L. 1944, c. 1482.

State law reference—Special act fixing fees of the probate court, P.L. 1932, c. 1970.

concerning the same are hereby continued in full force and effect, subject to the rules of construction set forth in this charter, and it is expressly intended that this charter shall in no way alter, amend or otherwise affect the organization, jurisdiction and sessions of said court, the qualifications, eligibilities, election or appointment, terms of office, powers, and duties of the judge, clerk, deputy clerk and assistants and subordinates thereof respectively, or any existing provisions of law of whatsoever nature concerning the same, subject, however, to such civil service provisions as may hereafter be enacted by ordinance. (P. L. 1940, c. 832, § 133)

Sec. 1.7. Certain agencies unaltered by charter.

It is expressly intended that this charter shall in no way alter or amend any provisions of general or special law, rule, regulation, resolution, order or ordinance of the council now in effect concerning the offices, departments, bureaus, and agencies, and the respective officers, boards, commissions, and authorities administering the same, as are below enumerated in this section of this charter, and all such provisions of general or special law, rule, regulation, resolution, order or ordinance of the council shall [be] subject to the rules of construction set forth in this charter, and shall continue under this charter to have the same force and effect and be subject to the same powers of amendment, alteration and repeal as they now are respectively, and the organization, constituency, meetings, terms of office, powers and duties of such departments, bureaus and agencies and the respective boards, commissions and authorities administering the same and all assistants and subordinates thereof shall continue under this charter with the same force and effect and subject to the same powers of amendment, alteration and repeal as the same respectively now are:

(a) The building board of review.
(b) The zoning board of review.
(c) The Dexter Donation, all property situated thereon and the commissioners thereof.
(d) The commission for the relief of injured city employees.

(e) The commissioners of the Charles H. Smith estate.

(f) The board for validating city obligations.

(g) The housing authority under Public Laws of Rhode Island, 1935, Chapter 2255 and any acts in amendment thereof.

(h) City plan commission, provided, however, that the city plan commission shall have and exercise such additional and other powers and duties, both advisory and otherwise, in connection with city planning, zoning and the execution of any city plan or plans with respect to said City of Providence as the City of Providence by ordinance may from time to time vest in said commission, subject at all times, however, to the provisions of general or special laws of the State of Rhode Island concerning zoning which are applicable to said City of Providence.

(i) All other such offices, departments, bureaus and agencies and the respective officers, boards, commissions and authorities administering the same with respect to which this charter makes no other provision. (P. L. 1940, c. 832, § 143)

Sec. 1.8. Preservation of government of school department, powers of school committee.

Any provision of this charter to the contrary notwithstanding, the government of the school department of the City of Providence as established heretofore by law shall be contained under this charter without alteration, addition or amendment. The powers heretofore exercised by the school committee, together with all rights, duties, liabilities, obligations and privileges thereof shall continue hereunder unabridged, unaltered and unamended. (P. L. 1940, c. 832, § 138)

State law reference—Special act relating to management and support of public schools, P.L. 1925, c. 680, as amended by P.L. 1926, cc. 874, 879, and by P.L. 1930, c. 1633, P.L. 1931, c. 1813.

Sec. 1.9. Records designated as public records.

The following records, in addition to those expressly so designated as such, or required to be open to public inspection

by this charter, or by any general or special law, or by any ordinance, rule, or resolution of the council, are hereby declared to be public records:

(a) *Land.* All land evidence records of every kind whatsoever.

(b) *Chattel mortgages, attachments, assignments, etc.* All records of personal property mortgages, attachments, assignments, lis pendens notices, conditional sales, and liens of every kind whatsoever that are now or shall hereafter be required or permitted by law to be recorded in a public place in the charge of or under the control, custody or supervision of any officer of the city.

(c) *Records of probate court.* All records of the probate court.

(d) *Licenses.* All records of licenses issued by the city or by any officer or employee thereof.

(e) *Births, marriages, and deaths.* All records of births, marriages and deaths required to be kept by the city registrar.

(f) *Removals.* All records of removals required to be kept on file by the city clerk.

(g) *Registry book and voting list.* The registry book and the voting lists required to be kept by the board of canvassers and registration.

(h) *Trade names.* All records of trade names required to be kept on file by the city clerk. (P. L. 1940, c. 832, § 139)

Sec. 1.10. Public records to be open for inspection.

All public records in the charge of or under the control, custody or supervision of any officer of the city shall be open at all times during business hours to any and all persons, without giving any reasons therefor, for the purpose of inspecting the same or for making written copies and/or abstracts thereof. (P. L. 1940, c. 832, § 140)

Sec. 1.11. Judicial relief to compel disclosure of public records.

Any person who shall have been denied access to any public record for any of the purposes set forth in section 140 [1.10]

of this charter, and contrary to the provisions thereof, shall have the right individually either to petition a court of competent jurisdiction for appropriate process to compel the proper officer or officers to disclose any public record to the petitioner for any of the purposes set forth in such section. No suit or proceeding authorized by this section shall be entertained by any court unless the person instituting the same shall have given security for the costs thereof. (P. L. 1940, c. 832, § 141)

Sec. 1.12. Allocation of functions.

Wherever in this charter some or all of the functions of any department or officer are not included or provided for, such function or functions shall be performed by the department or agency herein established to which the mayor shall in his discretion allocate the same by executive order. (P. L. 1940, c. 832, § 7)

Sec. 1.13. Separability of charter provisions.

It is hereby declared to be the intention of the General Assembly that each provision of this charter is separable, and if for any reason any such provision or provisions shall hereafter be declared unconstitutional by any court of proper jurisdiction, all other provisions of this charter shall remain in full force and effect. (P. L. 1940, c. 832, § 145)

Sec. 1.14. Effective date and repeal of provisions in conflict with charter.

This act shall become law upon its passage, and at said time shall have and take effect for the purpose of the election of a mayor and of a council hereunder and shall have and take effect as to all of its other provisions at twelve o'clock noon on the first Monday in January, 1941, and all acts and parts of acts inconsistent herewith are hereby repealed insofar as the same shall apply to the City of Providence. (P. L. 1940, c. 832, § 146)

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Chapter 2

POWERS OF THE CITY*

Art. I. In General, §§ 2.1—2.18

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Sec. 2. 2. Powers of inhabitants to be in city council.
Sec. 2. 3. Legislative powers of city not abridged.
Sec. 2. 4. Executive and administrative powers of city.
Sec. 2. 5. Power of council to provide penalties; limitation upon penalties.
Sec. 2. 6. Power of council to investigate government; members shall not interfere with administrative personnel.
Sec. 2. 7. Power to compel testimony, production of evidence.
Sec. 2. 8. Power of council to hire experts.
Sec. 2. 9. Powers of council as to elections, inspections, public buildings and institutions.
Sec. 2.10. Authority, power to establish, maintain civil service system.
Sec. 2.11. Declaration that dwelling premises are unfit for human habitation.
Sec. 2.12. Authority to regulate erection, maintenance of fences.
Sec. 2.13. Restrictions upon authority to borrow funds.
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Sec. 2.17. Action by taxpayer to enforce section 2.16.
Sec. 2.18. Preservation of existing powers; additional powers enumerated.

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Sec. 2.19. Short title.
Sec. 2.20. Scope, purpose of Act.
Sec. 2.21. Definitions.
Sec. 2.22. General authority of city.
Sec. 2.23. General plan of automobile parking facilities.
Sec. 2.24. Authority of city to acquire property for off-street facilities.
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Sec. 2.26. Authority to maintain, operate facilities, fix rates therefor.
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Sec. 2.28. Engineer's report, estimates for financing facility.
Sec. 2.29. Resolution of necessity for facility.
Sec. 2.30. City council to provide for financing of improvements.
Sec. 2.31. Scope of city's authority in eminent domain; procedure.
Sec. 2.32. Severability.
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Sec. 2.34. Effect of approval of bond issue under prior act.

Art. III. Pedestrian Malls, §§ 2.35—2.57

Sec. 2.35. Declaration of necessity.
Sec. 2.36. Definitions.

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*Cross references—City council to fix license fees and charges, § 5.39; finances, § 6.1 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; imposition of penalties therefor, § 45-6-2, Gen. Laws 1956.

Sec. 2.37. Enumeration of powers under article.
Sec. 2.38. Scope of power to restrict vehicular traffic.
Sec. 2.39. Interpretation, application, scope of provisions.
Sec. 2.40. Resolution of intention; required, contents.
Sec. 2.41. Provision in resolution for claims.
Sec. 2.42. Publication of resolution of intention prior to hearing.
Sec. 2.43. Copies of resolution of intention to be mailed to affected landowners, others.
Sec. 2.44. Protests, objections to mall.
Sec. 2.45. Claim of damages; filing, contents, withdrawal.
Sec. 2.46. Conduct of hearing.
Sec. 2.47. Appeal from decision of city council.
Sec. 2.48. Ordinance establishing mall; adoption, contents, effect.
Sec. 2.49. Scope of city's authority in eminent domain; procedure.
Sec. 2.50. Resolution to fix boundaries of district in event of assessments.
Sec. 2.51. Assessment for damages, costs in proportion to benefits.
Sec. 2.52. Form of bonds, principal and interest coupons.
Sec. 2.53. Special fund; establishment, use.
Sec. 2.54. Determination that assessment not be levied; authority, effect.
Sec. 2.55. Authority of city to improve pedestrian mall.
Sec. 2.56. Proceedings for improvement of pedestrian mall.
Sec. 2.57. Authority to combine proceedings with other proceedings.

Article I. In General

Sec. 2.1. Powers as body politic and corporate to continue.

The inhabitants of the City of Providence shall continue to be a body politic and corporate by the name of the City of Providence; and as such shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations, now incumbent on or appertaining to said city as a municipal corporation, or by virtue of the laws of this state so far as the same shall not be altered by this charter or any acts in amendment hereof. (P. L. 1940, c. 832, § 1)

Sec. 2.2. Powers of inhabitants to be in city council.

The city council of said city shall have, possess and exercise all the powers vested by law in the inhabitants or free men of said Providence, and the town council thereof, excepting such as are by law conferred upon some other officers of said city, and except as otherwise provided by this charter, and such as are conferred upon the free men of the city by the terms of the Dexter Donation, so-called, and legislation passed by reason of the same. (P. L. 1940, c. 832, § 3)

Sec. 2.3. Legislative powers of city not abridged.

None of the legislative powers of the city shall be abridged or impaired by this charter; but all such legislative powers shall be possessed and exercised by the city council. (P. L. 1940, c. 832, § 8)

Sec. 2.4. Executive and administrative powers of city.

The executive and administrative powers of the city, except as herein otherwise provided, are hereby vested in the mayor, elected in the manner hereinbefore provided, and certain officers, boards and commissions, constituted as herein prescribed. (P. L. 1940, c. 832, § 35)

Sec. 2.5. Power of council to provide penalties; limitation upon penalties.

The city council shall have power to provide for the punishment of any persons violating any of the provisions of any of the ordinances, bylaws and regulations of said city, by fines, penalties, or imprisonment for any breach thereof, not exceeding for any one offense two hundred dollars ($200.00), or by imprisonment not exceeding six (6) months. (P. L. 1940, c. 832, § 4)

Sec. 2.6. Power of council to investigate government; members shall not interfere with administrative personnel.

The council, or any committee thereof duly authorized by the council to do so, shall have power from time to time to conduct an investigation or investigations into the financial transactions or conduct of any office or department of the city government and it may require the mayor or any department head to furnish from time to time such information as shall be desired by the council. Except insofar as is necessary in the performance of the duties of his office no member of the council, however, shall interfere in any way with the actual administration of any administrative department or division of the city government, nor shall any such member or members interfere in any way in connection with the

appointment or promotion of any of the personnel of the city government, or attempt to obtain the removal of any such personnel except through the mayor for cause. (P. L. 1940, c. 832, § 30)

Sec. 2.7. Power to compel testimony, production of evidence.

In connection with any investigation which may lawfully be conducted by the council, or any committee thereof, the council or committee may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas which shall be signed by the president of the council or the chairman of any such committee, and which may be served by an officer authorized by law to serve subpoenas. If any witness shall refuse to testify to any facts within his knowledge, or to produce any papers or books in his possession, or under his control, relating to the matter under inquiry, before the council, or any such committee, the council by resolution and acting through the city solicitor may apply ex parte to any justice of the superior court for a citation of such witness in contempt, and thereupon such witness may be cited in contempt and punished in like manner as if he were in contempt of said superior court. No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any subsequent criminal prosecution except for perjury committed upon such inquiry, unless such witness shall in writing at the time of so testifying waive his rights not to have such testimony used against him. (P. L. 1940, c. 832, § 31)

Sec. 2.8. Power of council to hire experts.

The council, whenever it shall deem the advice of experts not regularly employed in any city department or service necessary to solve any special technical problem or to draw plans for or supervise the erection or construction of any public building or other public work, may, upon the vote of three-fourths (¾) of the members of such council, hire or retain any such expert or experts for that purpose; and the

council shall have power to appropriate whatever funds may be necessary to defray the cost of any such service obtained under the provisions hereof. (P. L. 1940, c. 832, § 34)

Sec. 2.9. Powers of council as to elections, inspections, public buildings and institutions.

Without in any way abridging the powers presently existing in the city, and without in any way limiting the generality of the foregoing sections relating to such powers, the council shall have power by ordinance:

(a) *Elections.* To provide at the expense of the city for special elections of the qualified voters of the city for the purpose of filling vacancies in the office of councilman or of mayor, or for the submission to said voters at regular or special elections of such questions relating to the city as the council shall by ordinance deem appropriate, and to designate the time and place at which any such special election shall be held; provided, however, that except as otherwise provided in this section, all such elections shall be held in conformity with the election laws of the state. The secretary of state shall, without the necessity of any special authorization from any person or body other than the council, place upon the ballot, or provide space upon and place upon the voting machines, for such questions as are submitted or for the names of such candidates as are running to fill such vacancies as are set forth in the ordinances hereby authorized;

(b) *Public buildings and institutions.* To erect and maintain public buildings, libraries, hospitals and asylums, and to regulate and control the management of the same; to appropriate annually, under proper regulations and conditions, a sum of money to aid in the support of any library, hospital, institution, association or corporation open to the free use of the inhabitants of said city, or the services of which are rendered free to inhabitants thereof; and

(c) *Inspection fees.* To establish and maintain, in all cases where the city or any department, board, bureau, com-

mission or agency thereof is now vested with any duty of inspection or regulation, fees or charges for such inspection or regulation, which said charges or fees shall in all cases bear a reasonable relation to the actual cost incurred by the city in performing such duties of inspection or regulation. (P. L. 1940, c. 832, § 5)

State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 2.10. Authority, power to establish, maintain civil service system.

The City of Providence is hereby authorized and empowered to institute, establish and maintain a civil service system of employment for its employees.

A commission shall be created to consist of qualified electors of the City of Providence who shall be of good repute in their businesses or professions, and who shall be known to be in sympathy with modern personnel practices in the public service. On or before July 1, 1965, the mayor shall appoint the members of said commission subject to the approval of the council. Said commission shall draft and submit to the council as soon as may be thereafter, a civil service ordinance designed to guarantee to all citizens regardless of their political affiliations a fair and equal opportunity for public service; to establish conditions of service which will attract officers and employees of character and capacity and to increase the efficiency of the governmental departments and agencies by the improvement of methods of personnel administration. Any such ordinance shall exempt from its provisions, officials elected by the people, officials appointed by the mayor or elected by the council and paid members of the police and fire forces.

With reasonable dispatch thereafter, the council shall enact, amend or revise such ordinance so submitted, but in any event the council shall enact a civil service ordinance which shall embody all the conditions and provisions herein required.

Any vacancy in said commission shall be filled by the mayor within thirty (30) calendar days of the occurrence thereof; provided, however, that the mayor in such case of vacancy may appoint some person to fill such vacancy until such time as the successor in such office shall have been appointed in manner aforesaid and shall have qualified. (P. L. 1965, c. 111, § 1)

State law reference—Retirement of municipal employees, § 45-21-1 et seq., Gen. Laws 1956.

Sec. 2.11. Declaration that dwelling premises are unfit for human habitation.

Section 8(e) of Chapter 3715 of the Public Laws of 1956 is hereby amended to read as follows:

"8(e) Provisions that the enforcing officer may declare any dwelling or dwelling premises unfit for human habitation if he finds that conditions exist in such dwelling which are a serious hazard or immediate peril to the health, safety or welfare of the occupants thereof, the occupants of neighboring dwellings or the general public; provided, however, that no such dwelling or dwelling premises shall be declared unfit for human habitation solely on a finding that the said dwelling or dwelling premises is fifty per cent (50%) or more below ground level, if the said dwelling or dwelling premises was constructed prior to January 1, 1956, conforms in every other respect to the standards set forth in any ordinances adopted by the City of Providence pursuant to this Act [section] and conforms to all other ordinances of the City of Providence dealing with a dwelling or dwelling premises." (P. L. 1962, c. 251, § 1)

Editor's note—The act amended by Chapter 251 of the Public Laws of 1962 is entitled "An Act Authorizing the City of Providence to Enact Ordinances Relating to Minimum Standards for Dwellings, and the Repair, Closing, Vacation and Demolition of Dwellings Unfit for Human Habitation", hence inclusion of the amendment herein. Sec. 2 of the 1962 act, the effective date and repealer have been omitted.

State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 2.12. Authority to regulate erection, maintenance of fences.

Notwithstanding the provisions of chapter 34-10 of the General Laws, entitled "Fences," as amended, the City of

Providence is authorized to enact ordinances regulating the erection and maintenance of fences, whether constructed of metal, wood, stone, concrete, brick and cement, or by means of trees, hedges and shrubbery, or otherwise; to regulate the height and width of such fences; to regulate and control the placing of such fences in the interest of public safety; to prohibit the erection and maintenance of barbed wire fences; to define and prohibit spite fences and provide for their removal; to provide for the payment of fees of the fence viewer of said city; and to provide for penalties for failure to comply with such ordinances and rules and regulations as may be adopted thereunder. (P. L. 1964, c. 172, § 1)

State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 2.13. Restrictions upon authority to borrow funds.

No bonds of the city, except bonds for paying, refunding, or renewing bonded indebtedness, and bonds for providing funds to pay any other indebtedness incurred prior to May 1, 1942, shall be issued by the city without the approval of a majority of the qualified voters of the City of Providence actually voting on the question of the issuance of such bonds at a general or special election; provided, however, that in case of fire, flood, hurricane, or other calamity the city may by ordinance passed or adopted by the affirmative vote of two-thirds of all of the members of the council and approved by the mayor, and without the necessity of such approval by the electorate, issue bonds for the relief of the inhabitants of the city and for the preservation of municipal property in a total sum not to exceed one-fourth of one percentum (0.25%) of the assessed value of the taxable property in the city, to be due and payable in not more than three years after the date of such issuance, which such bonds shall be designated "Emergency bonds." All forms, proceedings and other matters with respect to any such election, and the amounts, purposes, issue and disposition of such bonds may be prescribed by ordinance. Nothing herein contained shall be construed to authorize or permit the city to incur any debt for money hired without statutory approval where such ap-

proval is now required by law, or to limit the power to the city to issue notes for borrowings in anticipation of taxes. (P. L. 1940, c. 832, § 135; P. L. 1943, c. 1266, § 1)

Sec. 2.14. Prohibited interests in contracts with city.

No member of the council and no officer or employee of the city shall:

(a) Directly or indirectly make a contract with the City of Providence, other than his or her own contract of employment service; or

(b) Receive any commission, discount, bonus, gift, contribution or award from or any share in, the profits of any person, corporation or partnership making or performing such contract,

unless such member, officer or employee immediately upon learning of the existence of such contract, or that such contract is proposed shall notify in writing the council of the nature of his interest in such contract, and shall abstain from doing any official act on behalf of the City of Providence or of the other contracting party with reference thereto. In case of any such interest on the part of an officer whose duty it is to sign such contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereunto by the mayor; provided, however, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five per cent (5%) of the stock or shares actually issued shall not be considered as involving an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract. (P. L. 1940, c. 832, § 16)

Code references—Prohibited interests of councilmen, officers and employees, § 2-4; ordinances regulating contracts, purchases and sales, § 21-28 et seq.

Cross references—Application by city solicitor for release from certain contracts, § 5.6.

Sec. 2.15. Contracts in violation of section 2.14 to be voidable; penalties.

A violation of any provision of section 16 [2.14] shall render the contract with respect to which such violation occurs voidable in whole or in part at the option of the city. Any person violating the provisions of said section shall be punished by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment for not more than one year, or both. A conviction for a violation of section 16 [2.14] shall be deemed a crime involving moral turpitude within the meaning of sections 14 [3.8] and 15 [3.9] hereof. (P. L. 1940, c. 832, § 17)

Sec. 2.16. Ratification or avoidance of voidable contract with city.

Whenever any contract made by or on behalf of the city is voidable under the terms of section 16 [2.14] of this charter, the mayor shall on behalf of the city, within ten (10) days after the execution of such contract, or within ten (10) days after he shall acquire knowledge of facts sufficient to make such contract voidable, whichever event shall happen last, either ratify or void such contract, in whole or in part, by rendering in writing upon said contract his decision with regard thereto and his reasons therefor, and by forwarding forthwith to the city clerk a copy thereof, which copy shall be a public record. Such decision of the mayor shall be final and shall not be subject to review by any court. (P. L. 1940, c. 832, § 18)

Sec. 2.17. Action by taxpayer to enforce section 2.16.

If the mayor shall fail to perform any act required of him by section 18 [2.16] of this charter, any taxpayer may require him to perform such act by filing with the city clerk and in the mayor's office a demand in writing signed by such taxpayer for such performance, which writing shall also contain a recital of the facts upon which such demand is based. In case the mayor shall fail to perform such act so required for ten (10) days after the filing of such demand, such taxpayer

may apply to a court of competent jurisdiction in his own name on behalf of the city for a writ of mandamus to compel the performance of such act. No such proceeding shall be entertained by any court unless the taxpayer shall have complied with the foregoing conditions precedent, nor until such taxpayer shall have given security for the costs of the proceeding. (P. L. 1940, c. 832, § 19)

Sec. 2.18. Preservation of existing powers; additional powers enumerated.

The City of Providence shall continue to have and exercise all its existing powers and privileges and be subject to all existing duties and liabilities conferred or imposed upon it by its charter, by the General Laws or by the several acts of the General Assembly specially relating to it, until the same shall expire by their own limitation or shall be revoked or repealed.

Without limiting any powers and privileges granted to the said City of Providence by its charter, General Laws or the said several acts of the General Assembly, it shall, in addition thereto, have and exercise the following powers:

(1) *Bridges, other structures affecting streets and highways.* To authorize and permit the building, construction and maintenance of bridges, conduits and structures over, under, on and across streets and highways in said city for the purpose of connecting buildings, providing passageways between the same, or for any purpose deemed advisable or necessary;

(2) *Pedestrian malls.* To change, vary and alter the use of streets and highways by converting the same to pedestrian malls, so-called;

(3) *Development of projects.* To create and establish bodies, commissions, agencies and authorities for the development of projects deemed advisable for the welfare of the city;

(4) *Offices, departments, bureaus, agencies, personnel.* To create and establish such offices, departments, bureaus and agencies and their respective officers, deputies

and agents as may be required to administer the powers and duties vested in the city and to eliminate, change, consolidate or otherwise affect any offices, bureaus, agencies and their respective officers, deputies and agents now or hereafter existing and irrespective of the nature or source of the authority creating or establishing the same.

(5) *Eminent domain.* To take by eminent domain real property located in said city for public parks and playgrounds, recreational purposes, schools, highways, sewers, water supply, fire and police stations, municipal buildings of any and all nature, such taking to be in the manner provided by section 1 of article IV of Chapter 121 of the 1960 Public Laws of the State of Rhode Island. (P. L. 1963, c. 104, § 1)

Article II. Off-Street Parking

Sec. 2.19. Short title.

This Act [article] shall be known and may be cited as the "Providence Public Parking Act." (P. L. 1960, c. 121, art. I, § 1)

Sec. 2.20. Scope, purpose of Act [article].

It is hereby found and declared that there exist in the City of Providence particular areas of heavy and concentrated vehicular traffic which constitute either social or economical liabilities, or both, requiring alleviation in the interest of the health, safety and general welfare of the people of the City of Providence in which they exist and of the people of this state generally. These traffic congested areas are characterized by one or more of the following conditions, among others:

(a) The existence of streets and public ways which by reason of design are unable and inadequate to accommodate the number of vehicles which attempt to use them and which conditions create hazards to the safety of the occupants of said vehicles and the pedestrians legally upon said highways.

(b) A danger to the health of the people of the community by reason of the concentration of motorized vehicle exhaust fumes.

(c) A congested traffic situation which prevents the expeditious travel of police cars carrying police officers in the proper exercise of their duties, of fire apparatus responding to calls for its services, and of rescue apparatus responding to calls for immediate aid to the stricken.

It is further found and declared that the existence of such vehicular traffic congested areas, characterized by any or all of such conditions separately or collectively, constitutes a serious and growing menace which is injurious and inimical to the public health, safety and welfare of the people of Providence and of the state generally; that such areas present difficulties and handicaps which are beyond remedy and control solely by regulatory process in the exercise of the police power; that they contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for the preservation of the public health and safety and the maintaining of adequate police, fire and accident protection and other public services and facilities; that this menace is becoming increasingly direct and substantial in its significance and effect; that the benefits that will result from the remedying of these conditions will accrue to all the inhabitants and property owners of the City of Providence and the people of the state generally.

For these reasons it is hereby declared to be the policy of this state to relieve the vehicular traffic congested areas in the City of Providence and promote the safety, health and welfare of the inhabitants of the City of Providence and the people of the state generally by remedying such injurious conditions through the employment of all means appropriate for that purpose and particularly by the establishment of public off-street automobile parking facilities; and it is further declared to be the policy of this state that whenever traffic congestion and its attendant danger to the inhabitants of the City of Providence and to the people of the state gen-

erally cannot be remedied by public parking provided by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance and in the making of improvements necessary to provide adequate public parking facilities, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes and to provide a means whereby the traffic congested areas may be relieved and the consequent danger to the health, safety and welfare of the people of the City of Providence and the people of the state generally may be relieved; that the relief of such areas and the remedy of the consequent dangers therein by the provisions for public parking and the provision for appropriate continuing land use and construction policies therein constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern in the interest of the health, safety and welfare of the people of the City of Providence and the state generally; that it is in the public interest that work on such public parking areas be commenced as soon as possible; and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared to be legislative determination. (P. L. 1960, c. 121, art. II, § 1)

Sec. 2.21. Definitions.

For the purpose of this Act [article]:

(1) "Public off-street parking facilities" are defined as accommodations provided by public authority for the parking of automobiles off the street or highway, and open to public use, with or without charge; provided, however, that within the central downtown area as defined by the city plan commission and described in its master plan for downtown Providence no such facility within three hundred (300) feet of any commercial off-street parking facility capable of accommodating thirty-five (35) or more cars shall be open to the public use without charge. Such facilities may be publicly owned and publicly operated, or they may be publicly owned and privately operated;

(2) "Commercial off-street parking facilities" are defined as accommodations provided by private enterprise for the parking of automobiles off the street or highway, open to public use for a fee;

(3) "Special-purpose off-street parking facilities" are defined as accommodations provided by public authorities, private groups, or individuals, for restricted use in connection with public improvements, particular businesses, theatres, hotels, and other private enterprises or combinations thereof, or as adjuncts to housing developments or private residences. Such facilities may or may not be cooperatively established and operated;

(4) "Combined off-street parking facilities" are defined as accommodations provided by joint action of public and private interests.

Parking facilities may consist of lots, garages, or other structures and accessories, they may be surface facilities or facilities above or under the ground. (P. L. 1960, c. 121, art. III, § 1)

Sec. 2.22. General authority of city.

The City of Providence is hereby authorized to establish and administer public off-street parking facilities and to foster the provision and participate in the establishment of commercial, special-purpose, and combined off-street parking facilities within the City of Providence. (P. L. 1960, c. 121, art. III, § 2)

Sec. 2.23. General plan of automobile parking facilities.

The city plan commission, in collaboration with the traffic engineer, shall formulate for public presentation, a general plan of automobile parking facilities, as a guide for the future provision of parking facilities, properly integrated with present and proposed traffic facilities and the Providence master plan, subject to alteration as necessary. The general plan of automobile parking facilities shall include recommended design and location of proposed parking facilities

which may include improved and unimproved lots, single or multistoried garages, or other structures and accessories; and shall further include estimates of costs of the various projects therein included, a construction program, and recommended methods of financing. Where the inclusion in any proposed structure of rental space for other than parking purposes is incidental and reasonably related to the public use of the parking facilities and will materially reduce net public expenditures for such parking facilities, such rental space may be included in the plan; provided, however, that the City of Providence shall not within or on any public off-street parking facilities sell or offer for sale any petroleum products, nor shall the lessee of any public off-street parking facility sell or offer for sale any petroleum products. (P. L. 1960, c. 121, art. III, § 3)

Sec. 2.24. Authority of city to acquire property for off-street facilities.

The City of Providence is hereby authorized to acquire public or private, real or personal property and property rights above, at or below the surface of the area necessary for off-street parking facilities by purchase, condemnation, gift, contribution, lease, bequest, devise or grant. (P. L. 1960, c. 121, art. III, § 4)

Sec. 2.25. Authority of city to construct off-street facilities.

The City of Providence is hereby authorized to construct or cause to be constructed, foster and participate in the establishment of off-street parking facilities above, at or below the surface of the earth, including buildings, structures, equipment, entrances, exits, fencing, and all other accessories necessary or desirable for the safety and convenience of motorists using the facilities; provided that no product used in or for the servicing of motor vehicles shall be sold or dispensed at or in connection with such off-street parking facilities by the City of Providence. (P. L. 1960, c. 121, art. III, § 5)

Sec. 2.26. Authority to maintain, operate facilities, fix rates therefor.

The City of Providence is hereby authorized to maintain and operate public off-street parking facilities or to contract therefor, or lease the same by competitive bidding to any individual, firm or corporation, upon such terms and conditions as the public interest may warrant.

The City of Providence shall prescribe rules and regulations for the use of off-street parking facilities provided wholly or in part by public authorities. Such rules and regulations shall be designed to effectuate the public purposes of these facilities.

The City of Providence shall fix the maximum and minimum rates for each such facility. Where such facility is leased, such rates shall be fixed prior to the issuance of any invitation for proposals for leasing of such off-street parking facilities and shall be included in any such proposal.

In fixing rates, due allowance shall be made for the desirability of creating a reasonable parking turnover in any facility located in a highly congested district, and consideration shall be given to any other factors affecting the usefulness of the facility for ameliorating parking and traffic difficulties.

The provisions of this section and of section 5 [2.25] of this article shall be carried out by such official, committee, board, commission or agency as the City of Providence may designate, or the city may enter into an agreement with the redevelopment agency for such purposes. (P. L. 1960, c. 121, art. III, § 6)

Sec. 2.27. Financing planning design, maintenance, operation, construction, etc.

The City of Providence is hereby authorized, subject to the requirements of state law and municipal ordinance, to finance the planning design, maintenance, and operation of off-street parking facilities by any one or any combination of the following methods: (a) general fund appropriation or

(b) gift, contribution, bequest, devise or grant; and to finance the design, acquisition of property, construction, alteration, or enlargement of off-street parking facilities by any one or any combination of the following methods: (a) general obligation bonds; (b) general fund appropriation; (c) state and federal grants and aids; (d) gift, contribution, bequest, devise or grant.

When general obligation bonds are to be issued they shall be issued and sold at such times, in such amounts, with such maturities and other terms, and in such form as the city council shall determine. Irrespective of any limitation, by general or special law, as to the amount of such bonds which may be issued, the City of Providence may issue such bonds for the purposes defined by this section in excess of such limitation, in such amount as may be approved by the voters at any general or special election, and all bonds issued under this section shall be exempted from the operation of section 45-12-2 of the General Laws of 1956. The city shall annually appropriate a sum sufficient to pay the interest upon its general obligation bonds issued and outstanding under the authority of this section, and also to pay the principal of such bonds maturing in any such year, until said bonds are paid in full. This section shall constitute statutory approval for the incurring of debt for the purposes of this Act [article] wherever such approval is required by any general or special law. (P. L. 1960, c. 121, art. III, § 7)

Sec. 2.28. Engineer's report, estimates for financing facility.

In each instance wherein the city council shall have before it for consideration a proposal to expend money for the purpose of establishing off-street parking facilities there shall be filed with the city council signed by the mayor and the traffic engineer, a report of said proposed project and estimates of the cost, including the cost of necessary property acquisition; an estimate of the income yield of the facility; the capacity of the proposed facilities and that they conform to the general plan developed under section 3 [2.23] of this article; and such other pertinent information as will permit

the city council to decide the necessity, extent, cost and income yield of the proposed facility. (P. L. 1960, c. 121, art. III, § 8)

Sec. 2.29. Resolution of necessity for facility.

After the mayor and traffic engineer have filed such report [provided for in section 2.28] the city council shall by resolution determine the necessity of the proposed public off-street parking facilities and the extent of any expenditure by the city for the purpose of establishing such improvements. (P. L. 1960, c. 121, art. III, § 9)

Sec. 2.30. City council to provide for financing of improvements.

In accordance with the provisions and procedures prescribed by section 7 [2.27] of this article, the city council shall provide for financing of the improvements. (P. L. 1960, c. 121, art. III, § 10)

Sec. 2.31. Scope of city's authority in eminent domain; procedure.

The City of Providence shall have the right to acquire all or any part of the real property, or any interest therein, by the exercise of the power of eminent domain whenever it shall be determined by the city council that such acquisition is necessary to the fulfillment of the purposes of this Act [article] and is in the public interest as defined herein, and provided, however, that no existing off-street parking facility may be acquired without the consent of the owner and occupant unless such facility is to be incorporated within an off-street parking facility with a capacity at least one hundred per cent (100%) greater than the facility to be taken. Where property so acquired by the City of Providence for off-street parking facilities is being operated at the time of acquisition as a commercial off-street parking facility then the operator of said commercial off-street parking facility shall be permitted to continue to operate said facility until alterations to the property shall have been commenced by the City of Providence.

(a) *Preliminary resolution, proceedings.* The necessity for such acquisition shall be conclusively presumed upon the adoption of a resolution by the city council declaring that the acquisition of the land or interest therein described in such resolution is in the public interest as defined in this Act [article] and that such land or interest therein is to be used for the purposes of providing off-street parking facilities as defined herein. Within six (6) months thereafter the mayor of the City of Providence shall cause to be filed in the land evidence records of said city a copy of such resolution adopted by the city council, together with a plat of the land or interest therein described and a statement, signed by the mayor that such lands or interests therein are taken pursuant to the provisions of this Act. Thereupon the mayor shall file in the superior court for the County of Providence a statement of the sum of money estimated by the mayor to be just compensation for the land taken.

(b) *Title acquisition after preliminary proceedings.* Upon the filing of the copy of such resolution, plat and statement in the land evidence records of the City of Providence, the filing in the superior court of the statement, and the depositing in the superior court, to the use of the persons entitled thereto, of such sum as the court shall determine to be amply sufficient to satisfy the claims of all persons interested in said land (and the court may in its discretion, take evidence on the question to determine the sum to be deposited) title to such land, or interest therein, shall rest in the City of Providence in fee simple absolute and said city may thereupon take possession of said land or interest therein.

(c) *Notice of taking; agreement upon price.* No sum so paid into the court shall be charged with clerk's fees of any nature. After the filing of such copy, plat and statement, notice of the taking of such land, or interest therein, shall be served upon the owners of and persons having an estate in and interest in such land by the sheriff or his deputies of the county in which the land, or interest therein, lies, leaving a true and attested copy of such description and statement with each of such persons personally, or at their last and usual place of abode in this state with some person living

there, and in case any of such persons are absent from this state and have no last and usual place of abode therein occupied by any person, such copy shall be left with the persons, if any, in charge of or having possession of such land, or interest therein, taking of such absent persons* if the same is known to said officer; and after the filing of such resolution, plat and statement, the mayor shall cause a copy of such resolution and statement to be published in some newspaper published in the county where said land, or interest therein, may be located, at least once a week for three (3) successive weeks. If any person shall agree with the city for the price of the land, or interest therein, so taken, the court, upon the application of the parties in interest, may order that the sum agreed upon be paid forthwith from the money deposited, as the just compensation to be awarded in said proceeding.

(d) *Proceedings to assess damages.* Any owner of or persons entitled to any estate in or interested in any part of the land, or interest therein, so taken, who cannot agree with said city for the price of the land, or interest therein, so taken in which he is interested as aforesaid, may, within three (3) months after personal notice of said taking, or, if he have no personal notice, may within one year from the first publication of the copy of such resolution and statement referred to in paragraph (a) of section 1 [2.31] of this article, apply by petition to the superior court in and for the county in which such land, or interest therein, lies, setting forth the taking of his land or interest therein, and praying for an assessment of damages by a jury. Upon filing of such petition the said court shall cause twenty (20) days' notice of the pendency thereof to be given to said city by serving the mayor with a certified copy thereof, and may proceed after such notice to the trial thereof; and such trial shall determine all questions of fact relating to the value of such land, or interest therein, and the amount thereof, and judgment shall be entered upon the verdict of such jury and execution shall

*Editor's note—The phrase "taking of such absent persons" should probably be deleted. In this regard, see § 2.49(c) pertaining to service of notice in connection with pedestrian malls.

be issued therefor against the money so deposited in court and in default thereof against any other property of said city. In case two (2) or more conflicting petitioners make claim to the same land, or to any interests therein, or to different interests in the same parcel of land, said court upon motion shall consolidate their several petitions for trial at the same time by the same jury, and may frame all necessary issues for the trial thereof; and all proceedings taken pursuant to the provisions of this Act [article] shall take precedence over all other civil matters then pending before said court.

(e) *Proceedings against infants, others under disability.* If any lands, or interests therein, in which any infant or other person not capable in law to act in his own behalf is interested, are taken by said city under the provisions of this Act [article], said superior court, upon the filing therein of any such petition by or in behalf of such infant or other person, may appoint a guardian ad litem for such infant or other person, and such guardian may appear and be heard in behalf of such infant or other person; and such guardian may also with the advice and consent of said superior court and upon such terms as said superior court may prescribe, release to such agency all claims for damages for the lands of such infant or other person or for any such interests therein. Any lawfully appointed, qualified and acting guardian or other fiduciary of the estate of any such infant or other person, with the approval of the court of probate within this state having jurisdiction to authorize the sale of lands and properties within this state of any such infant or other person, may, before the filing of any such petition, agree with said city upon the amount of damages suffered by such infant or other person by any taking of his lands or of his interests in any lands and may, upon receiving such amount, release to said city all claims of damages of such infant or other person for such taking.

(f) *Repayment of excess funds to city.* Whenever, from time to time the city has satisfied the court that the amount deposited with the court is greater than is amply sufficient to satisfy the claims of all persons interested in said land,

the court may order that the amount of any such excess shall be repaid to the city. Whenever the city has satisfied the court that the claims of all persons interested in the land taken have been satisfied, the unexpended balance shall be paid forthwith to said city.

(g) *Provisions applicable to proceedings.* In any proceedings for the assessment of compensation and damages for land or interest therein taken or to be taken by eminent domain by the city, the following provisions shall be applicable:

(1) At any time during the pendency of such action or proceeding, the city or an owner may apply to the court for an order directing an owner or the city, as the case may be, to show cause why further proceedings should not be expedited, and the court may upon such application make an order requiring that the hearings proceed and that any other steps be taken with all possible expedition.

(2) If any of the land, or interest therein, included within the project is devoted to a public use, it may nevertheless be acquired, and the taking shall be effective provided that no land, or interest therein, belonging to the city or to any government shall be acquired without its consent, and that no land or interest therein belonging to a public utility corporation may be acquired without the approval of the division of public utilities or other officer or tribunal having regulatory power over such corporation. Any land, or interest therein, already acquired by the city may nevertheless be included within such taking for the purpose of acquiring any outstanding interests in such land.

(3) The term "owner", as used in this section, shall include a person having an estate, interest or easement in the land to be acquired or a lien, charge or encumbrance thereon. (P. L. 1960, c. 121, art. IV, § 1)

Sec. 2.32. Severability.

The powers granted and the duties imposed by the several sections of this Act [article] shall be considered to be independent and separable and if any one or more sections,

clauses, sentences, or parts of this Act [article] or the applicability thereof shall be adjudged unconstitutional or invalid such judgment shall not affect the remaining provisions or applications of this Act [article] which can be given effect without the invalid provision or application, and the remainder of the Act [article] shall remain in full force and effect. (P. L. 1960, c. 121, art. V, § 1)

Sec. 2.33. Effective date, repeal of certain laws.

This Act [article] shall take effect upon its passage and thereupon Chapter 2307 of the Public Laws of 1949, Chapter 2514 of the Public Laws of 1950 and all other acts and parts of acts inconsistent herewith shall stand repealed; provided however, that all ordinances, resolutions, official acts and determinations and all other actions and proceedings heretofore taken or purported to have been taken under and pursuant to said Chapter 2307 of the Public Laws of 1949 and Chapter 2514 of the Public Laws of 1950 are hereby ratified, confirmed and declared legal in all respects and shall continue in effect under the provisions of this Act [article]. (P. L. 1960, c. 121, art. V, § 2)

Sec. 2.34. Effect of approval of bond issue under prior Act.

The voters of the City of Providence having authorized and approved the issuance of bonds in the amount of one million seven hundred thousand dollars ($1,700,000.00) under the provisions of Chapter 2514 of the Public Laws of 1950 as amended at the general election held on November 7, 1950, bonds of said city may be issued in an amount not exceeding one million seven hundred thousand dollars ($1,700,000.00) for any of the purposes stated in said Chapter 2514 without any further approval of the voters of said city, notwithstanding the repeal of said Chapter 2514 of the Public Laws of 1950 as amended, and notwithstanding the provisions of section 135 [2.13] of the Providence Charter Act of 1940, as amended, or of any other general or special act. (P. L. 1960, c. 121, art. V, § 3)

Article III. Pedestrian Malls*

Sec. 2.35. Declaration of necessity.

It is hereby determined as a matter of legislative finding:

(a) The legislature of the State of Rhode Island hereby finds and declares that in certain areas of the City of Providence, and particularly in the central retail shopping area thereof, the physical improvements and facilities of the central business district are growing older and have experienced some physical and economic blight, which is likely to progress and which threatens to retard and choke the healthy growth of the whole community; that such deterioration, if permitted to continue, will adversely affect the tax structure, health, safety and general welfare of the city and of its citizens; that it is a reasonable and proper exercise of its police powers for the City of Providence to take measures designed to correct this trend by maintaining and improving the said central business district so that it may retain its rightful position as a mercantile and industrial center and as the core of the business, professional, social, religious and cultural life of the city and state.

(b) As part of this effort, and in pursuance of its power to use, control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them, the legislature of the state hereby finds and declares that in certain areas of said city there is need to separate pedestrian travel from vehicular travel and that such separation is necessary to protect the public safety or otherwise to serve the public interest and convenience; and the legislature further finds and declares that such objectives can, in part, be accomplished by the establishment of certain areas in the said central business district for the principal use and convenience of pedestrians, said areas to be referred to herein as "pedestrian malls." (P. L. 1962, c. 176, art. I, § 1)

*Code reference—Provisions pertaining to Westminster Pedestrian Mall, § 23-79 et seq.

Sec. 2.36. Definitions.

Unless the context otherwise requires, the definitions contained in this chapter shall govern the construction of this Act [article]:

(a) "City" or "the city" shall mean the City of Providence.

(b) "Legislative body" means the city council of the City of Providence.

(c) "Street" as used in the definitions of the terms "city streets," "mall intersection" and "intersecting streets" hereinafter defined means any public street, road, highway, alley, lane, court, way or place of any nature open to the use of the public.

(d) "City street," as used with regard to streets located within the City of Providence, means any street located within the city, except a freeway or state highway.

(e) "Pedestrian mall" means one or more "city streets", or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel.

(f) "Mall intersection" means any intersection of a "city street" constituting a part of a "pedestrian mall" with any "street", which intersection is itself part of the "pedestrian mall."

(g) "Intersecting street" means any "street" which meets or crosses a "pedestrian mall" at a "mall intersection" but includes only those portions thereof on either side of a "mall intersection" which lie between the "mall intersection" and the first intersection of the "intersecting street" with a public street or highway open to vehicular traffic. (P. L. 1962, c. 176, art. II)

Sec. 2.37. Enumeration of powers under article.

The city council of the City of Providence shall have the power:

(a) *Establishment of malls.* To establish pedestrian malls within the area encompassed by the "Downtown master plan" as defined by the Providence city plan commission and approved by the city council.

(b) *Restriction of traffic on mall.* To prohibit, in whole or in part, vehicular traffic on a pedestrian mall.

(c) *Payment of damages.* To pay, from general funds of the city or other available moneys or from the proceeds of assessments levied on lands benefited by the establishment of a pedestrian mall, the damages, if any, allowed or awarded to any property owner by reason of the establishment of a pedestrian mall.

(d) *Construction of facilities, improvements.* To construct on city streets which have been or will be established as a pedestrian mall improvements of any kind or nature necessary or convenient to the operation of such city streets as a pedestrian mall, including but not limited to, paving, sidewalks, curbs, gutters, sewers, drainage works, street lighting facilities, fire protection facilities, flood protection facilities, water distribution facilities, vehicular parking areas, retaining walls, landscaping, tree planting, statuary, fountains, decorative structures, benches, rest rooms, child care facilities, display facilities, information booths, public assembly facilities, and other structures, works or improvements necessary or convenient to serve members of the public using such pedestrian mall, including the reconstruction or relocation of existing city-owned works, improvements or facilities on such city streets. The foregoing, or any portion thereof, are sometimes in this part referred to as "improvements".

(e) *Payment for improvements.* To pay, from general funds of the city or other available moneys or from the proceeds of assessments levied on property benefited by any such improvements, the whole or any portion of the cost of such improvements.

(f) *Other powers.* To do any and all other acts or things necessary or convenient for the accomplishment of the purposes of this Act [article]. (P. L. 1962, c. 176, art. III, § 1)

Sec. 2.38. Scope of power to restrict vehicular traffic.

The powers herein granted to prohibit, in whole or in part, vehicular traffic on any pedestrian mall shall be in addition to and not limited by the powers granted by any other law. (P. L. 1962, c. 176, art. III, § 2)

Sec. 2.39. Interpretation, application, scope of provisions.

This Act [article] and all of its provisions shall be liberally construed to the end that its purposes may be effected. Any proceedings taken pursuant to this Act [article] shall not be held invalid for failure to comply with the provisions of this Act [article], if the acts done and proceedings taken are not invalid under the state or federal constitutions.

This Act [article] does not affect any other law relating to the same or similar subject, but provides an alternative procedure for the subject to which it relates. When proceedings are taken under this Act [article], its provisions only shall apply. (P. L. 1962, c. 176, art. III, § 3)

Sec. 2.40. Resolution of intention; required, contents.

When the city council of the City of Providence shall determine that the public interest and convenience require the establishment of a pedestrian mall and that vehicular traffic will not be unduly inconvenienced thereby, it may adopt a resolution declaring its intention to establish such pedestrian mall. Such resolution shall contain:

(a) The determination and declaration referred to above.

(b) A general description of the city streets, or portions thereof, which are proposed to be established as a pedestrian mall.

(c) A general description of the mall intersections.

(d) A general description of the intersecting streets.

(e) A statement that the city council proposes to adopt an ordinance prohibiting, in whole or in part, vehicular traffic on such pedestrian mall. If vehicular traffic is proposed to be prohibited only in part, the resolution shall also contain a general statement of the exceptions

proposed to be made. Such exceptions may include exceptions in favor of public, emergency, utility and other classes of vehicles, may include exceptions in favor of all or certain classes of vehicles during certain days or during portions of days, and may include other exceptions of any kind or nature.

(f) A general statement of the source or sources of funds proposed to be used to pay damages, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall.

(g) A general statement of the structures, works and improvements to be included in the pedestrian mall.

(h) A day, hour and place for the hearing by the city council or committee thereof of protests and objections to the establishment of the proposed pedestrian mall, and a statement that any and all persons having any objection to the establishment of the proposed pedestrian mall may file a written protest with the clerk of the city council at any time not later than thirty (30) days from the conclusion of the hearing.

(i) A statement that any person owning or having any legal or equitable interest in any real property which might suffer legal damage by reason of the establishment of the proposed pedestrian mall may file a written claim of damages with the city clerk at any time not later than the hour so fixed for hearing; that such written claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, must state the nature of the claimed damage thereto, and must state the amount of damages claimed.

(j) In such resolution any street may be described by referring thereto by its lawful or official name, or the name by which it is commonly known, and the pedestrian mall, the mall intersections, and the intersecting streets may be described by reference to a map or plat thereof on file in the office of the clerk of the city council. (P. L. 1962, c. 176, art. IV)

Sec. 2.41. Provision in resolution for claims.

In such resolution [described in section 2.40] the city council may propose to pay the whole or any part of damages based on claims filed pursuant to article IV [section 2.40], if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall from the proceeds of assessments levied upon lands benefited by the establishment of the pedestrian mall. In such case the resolution shall also contain:

(a) A general description of the district (which may consist of noncontiguous portions) within which lie the lands deemed by the city council to be benefited by the establishment of the proposed pedestrian mall.

(b) A statement that an assessment will be levied pursuant to this article [section] to pay the whole or a stated portion of the damages based on claims filed, if any, allowed or awarded to any property owner by reason of the establishment of such pedestrian mall and the costs and expenses in connection with proceedings or actions taken pursuant to this part.

(c) If bonds are to be issued, a statement that bonds to represent unpaid assessments will be issued, and the interest rate, or maximum interest rate, and term, or maximum term, of any such bonds shall be established. (P. L. 1962, c. 176, art. V, § 1)

Sec. 2.42. Publication of resolution of intention prior to hearing.

The resolution of intention [described in section 2.40] shall be published in a newspaper of general circulation published within the city once each week for four (4) successive weeks prior to the date fixed therein for hearing. (P. L. 1962, c. 176, art. VI, § 1)

Sec. 2.43. Copies of resolution of intention to be mailed to affected landowners, others.

A copy of the resolution [described in section 2.40] shall be mailed, postage prepaid, not less than fifteen (15) days

prior to the hearing, to each person to whom any of the following described lands is assessed as shown on the last equalized assessment roll, at his address as shown upon such roll. Such lands are as follows:

(a) All parcels of land abutting upon any portion of the pedestrian mall or any portion of any intersecting street.

(b) If assessments are to be levied, then all parcels of land within the assessment district described in the resolution pursuant to such section.

The city council may determine that such resolution shall also be mailed to such other persons as it may specify. (P. L. 1962, c. 176, art. VI, § 2)

Sec. 2.44. Protests, objections to mall.

Not later than the hour set for hearing any interested person may, severally or with others, file with the city clerk written objection to the establishment of the proposed pedestrian mall or to the extent of any district described in said resolution. Any protest or objection may be withdrawn at any time by written notice of such withdrawal filed with the clerk of the legislative body with the same effect as if it had never been made. (P. L. 1962, c. 176, art. VI, § 3)

Sec. 2.45. Claim of damages; filing, contents, withdrawal.

Not later than thirty (30) days following the conclusion of the hearing [provided for in section 2.40(h)] any person owning, or having any legal or equitable interest in, any real property which might suffer legal damage by reason of the establishment of the proposed pedestrian mall shall file with the city clerk a written claim of damages in duplicate. Such written claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, must state the nature of the claimed damage thereto, and must state the amount of damages claimed. Any such claim may be withdrawn by the claimant at any time by written withdrawal with the same effect as if it had never been filed. (P. L. 1962, c. 176, art. VI, § 4)

Sec. 2.46. Conduct of hearing.

At the hearing [provided for in section 2.40(h)] all objections and protests shall be heard and considered. The hearing may be continued from time to time by order entered on the minutes. (P. L. 1962, c. 176, art. VI, § 5)

Sec. 2.47. Appeal from decision of city council.

Any person aggrieved by the allowance or disallowance of a claim by the city council may within sixty (60) days after the mailing to him by the city clerk of notice thereof by certified mail appeal therefrom by filing a petition in the superior court for the counties of Providence and Bristol which shall proceed to hear the same summarily and determine the amount of damages that should be paid by reason of the injury suffered by the petitioner by the establishment of the proposed pedestrian mall. (P. L. 1962, c. 176, art. VI, § 6)

Sec. 2.48. Ordinance establishing mall; adoption, contents, effect.

If following the hearing [provided for in section 2.40(h)] the city council shall determine that the pedestrian mall shall be established and following the adoption of the resolution as herein provided, and as soon as moneys have been fully provided for the payment of all claims, if any, and for the payment of all damages and compensation, if any, the city council may adopt an ordinance establishing the pedestrian mall. Such ordinance shall contain:

(a) A general description of the pedestrian mall and a declaration and determination that the same is finally established. The mall as finally established shall be substantially the same as that described in the resolution of intention.

(b) Rules and regulations prohibiting vehicular traffic on such pedestrian mall subject to such exceptions as the ordinance may provide. Such rules and regulations and such exceptions shall be substantially in accordance with the statements made in the resolution of intention.

(c) Such additional rules and regulations as the legislative body may determine pertaining to the interpretation, operation and enforcement of the rules and regulations referred to in subdivision (b) above, and otherwise pertaining to the use, operation, maintenance and control of the pedestrian mall.

(d) Such provisions as the legislative body may determine pertaining to the operative date or dates of any of such rules or regulations.

(e) Such ordinance shall be adopted and published in the manner, and shall take effect, as provided by law or charter for other ordinances of the city.

(f) Proceedings under this part [article] and the adoption of such ordinance notwithstanding, the city and its legislative body shall retain its police powers and other rights and powers relating to the city streets constituting a part of the pedestrian mall. No action taken pursuant to this part [article] shall be interpreted or construed to be a vacation or abandonment, in whole or in part, of any city street or any right therein, it being intended that the establishment of a pedestrian mall pursuant to this part [article] be a matter of regulation. Nothing in this part [article] shall be interpreted or construed to prevent the city and its legislative body, at any time subsequent to the adoption of the ordinance provided for in this chapter [article], from abandoning the operation of the pedestrian mall, from changing the extent of the pedestrian mall, or from changing or repealing any of the rules and regulations pertaining to the pedestrian mall. (P. L. 1962, c. 176, art. VII, § 1)

Sec. 2.49. Scope of city's authority in eminent domain; procedure.

The City of Providence shall have the right to acquire any land or other real property or any interest therein by the exercise of the power of eminent domain, whenever it shall be determined by the city council that the acquisition of such land or other real property or interest is necessary for

the construction or the operation of a pedestrian mall. Such action shall be in the nature of a proceeding in eminent domain for the condemnation of the right or rights in real property, the taking of which by the establishment of the pedestrian mall results in the damages claimed.

(a) *Preliminary resolution, proceedings.* The necessity for such acquisition shall be conclusively presumed upon the adoption by the city council of a resolution declaring that the acquisition of the land or other real property or interest therein, described in such resolution is necessary, for such construction or operation. Within six (6) months thereafter the city council shall cause to be filed in the land evidence records of the City of Providence a copy of such resolution of the city council, together with a plat of the real property, or interest therein described, and a statement signed by the mayor, that such lands, or interest therein, are taken pursuant to the provisions of this Act [article]. Thereupon the city clerk shall file in the superior court in and for Providence County a statement of the sum of money estimated by the city council to be just compensation for the land taken.

(b) *Title acquisition after preliminary proceedings.* Upon the filing of the copy of such resolution, plat and statement in the land evidence records of such city, the filing in the superior court, of the statement, and the depositing in the superior court, to the use of the persons entitled thereto, of such sum as the court shall determine to be amply sufficient to satisfy the claims of all persons interested in said land (and the court may in its discretion, take evidence on the question to determine the sum to be deposited), title to such land, or interest therein, shall vest in the City of Providence in fee simple absolute and the City of Providence thereupon may take possession of said land, or interest therein.

(c) *Notice of taking; agreement upon price.* No sum so paid into the court or any interest paid thereon shall be charged with clerk's fees of any nature. After the filing of a copy of the resolution, plat and statement, notice of the taking of such land, or interest therein, shall be served upon the owners of and persons having an estate in and interested

in such land by the sheriff or his deputies of the county in which said person or persons reside, leaving a true and attested copy of such description and statement with each of such persons personally, or at their last and usual place of abode in this state with some person living there; and in case any of such persons are absent from this state and have no last and usual place of abode therein occupied by any person, such copy shall be left by the sheriff or his deputies of the county where the real property lies with the persons, if any, in charge of or having possession of such land, or interest therein, if the same are known to said officer. Whenever any owner or person entitled to any estate in or any interest in any part of the real property taken resides or is without the state, the City of Providence through its city clerk shall cause to be served on each such person personally or at his last and usual place of abode a copy attested as aforesaid of such resolution and statement by any disinterested person, which person shall make affidavit of the service thereof and of the mode in which, the time within, and the place at which the service has been made; or service thereof may be made by the admission of such service by said person on the back of a copy of such resolution and statement and by his acknowledgment thereof before an officer authorized to administer oaths under the law of the place where such admission of service is acknowledged. Upon the filing of such resolution, plat and statement, the city clerk shall cause a copy of such resolution and statement to be published in some newspaper published or having general circulation in the county where said land, or interest therein, may be located, at least once a week for three (3) successive weeks. If any person shall agree with the City of Providence for the price of the land, or interest therein, so taken, the court upon the application of the parties in interest, may order that the sum agreed upon be paid forthwith from the money deposited, as the just compensation to be awarded in said proceeding.

(d) *Proceedings to assess damages.* Any owner of or persons entitled to any estate in or interested in any part of the land, or interest therein, so taken, who cannot agree with the

City of Providence for the price of the land, or interest therein, so taken in which he is interested as aforesaid, may, within three (3) months after personal notice of said taking, or, if he have no personal notice, may within one year from the first publication of the copy of such resolution and statement, apply by petition to the superior court in and for Providence County, setting forth the taking of his land or interest therein, and praying for an assessment of damages by a jury. Upon filing of such petition the said court shall cause twenty (20) days' notice of the pendency thereof to be given to the City of Providence by serving the city treasurer with a certified copy thereof, and may proceed after such notice to the trial thereof, and such trial shall determine all questions of fact relating to the value of such land, or interest therein, and the amount thereof, and judgment shall be entered upon the verdict of such jury and execution shall be issued thereafter against the money so deposited in court and in default thereof against any other property of the City of Providence. In case two (2) or more conflicting petitioners make claim to the same land, or to any interests therein, or to different interests in the same parcel of land, said court upon motion shall consolidate their several petitions for trial at the same time by the same jury, and may frame all necessary issues for the trial thereof; and all proceedings taken pursuant to the provisions of this Act [article] shall take precedence over all other civil matters then pending before said court, except that they shall have the same priority as other petitions for the assessment of damages arising out of eminent domain proceedings involving state or municipal governments.

(e) *Proceedings against infants, others under disability.* If any lands, or interests therein, in which any infant or other person not capable in law to act in his own behalf is interested, are taken by the City of Providence under the provisions of this Act [article], said superior court, upon the filing therein of any such petition by or in behalf of such infant or other person, may appoint a guardian ad litem for such infant or other person, and such guardian may appear and be heard in behalf of such infant or other person; and such guardian may also with the advice and consent of said

superior court and upon such terms as said superior court may prescribe release to the City of Providence all claims for damages for the lands of such infant or other person or for any such interests therein. Any lawfully appointed, qualified and acting guardian or other fiduciary of the estate of any such infant or other person, with the approval of the court of probate within this state having jurisdiction to authorize the sale of lands and properties within this state of any such infant or other person, may, before the filing of any such petition, agree with the City of Providence upon the amount of damages suffered by such infant or other person by any taking of his lands or of his interests in any lands, and may, upon receiving such amount, release to the City of Providence all claims of damages of such infant or other person for such taking.

(f) *Repayment of excess funds to city.* Whenever, from time to time the City of Providence has satisfied the court that the amount deposited with the court is greater than is amply sufficient to satisfy the claims of all persons interested in said land, the court may order that the amount of any such excess including any interest or increment on any sums so deposited shall be repaid to the City of Providence. Whenever the City of Providence has satisfied the court that the claims of all persons interested in the land taken have been satisfied, the unexpended balance including any interest or increment on any sums so deposited shall be paid forthwith to the City of Providence.

(g) *Provisions applicable to proceedings.* In any proceedings for the assessment of compensation and damages for land or interest therein taken or to be taken by eminent domain by the City of Providence the following provisions shall be applicable:

(1) At any time during the pendency of such action or proceeding, the City of Providence or an owner may apply to the court for an order directing an owner or the City of Providence, as the case may be, to show cause why further proceedings should not be expedited, and the court may upon such application make an

order requiring that the hearings proceed and that any other steps be taken with all possible expedition.

(2) If any of the land, or interest therein, is devoted to a public use, it may nevertheless be acquired, and the taking shall be effective, provided that no land or interest therein belonging to a public utility corporation may be acquired without the approval of the administrator of public utilities or other officer or tribunal having regulatory power over such corporation.

(3) If after hearing by the superior court, damages finally awarded in respect to the property taken, or any part thereof, shall exceed the amount of money originally offered by the City of Providence, the court shall enter judgment for said damages with interest from the date the City of Providence became entitled to enter upon and take possession of and use such land or interest or estate therein. If, however, the damages finally awarded are less than the amount originally offered by the City of Providence for the property then no interest shall be due on said judgment.

Upon the application of any party in interest and upon joinder of all other parties in interest, the court, on such conditions as it may deem proper may order that the money deposited in the court, or any part thereof, be paid forthwith without interest for or on account of the just compensation to be awarded in said proceeding. If the damages finally awarded in respect to said real property, or any part thereof, shall exceed the amount of the money so received by any person entitled thereto, the court shall enter judgment against the funds so deposited in court or in default thereof against other property of said City of Providence for the amount of the deficiency plus interest on the deficiency and costs. If the judgment entered is less than the amount withdrawn, then and in that event judgment shall be entered for the City of Providence for the difference between the amount withdrawn and the amount of the judgment plus interest on the overpayment and costs.

Whenever interest is allowed it shall be computed at the prevailing rate paid by savings banks in the City of Providence. (P. L. 1962, c. 176, art. VIII, § 1)

Sec. 2.50. Resolution to fix boundaries of district in event of assessments.

If assessments are to be levied, then in the resolution provided for, the city council shall fix and establish the boundaries of the district as finally determined. (P. L. 1962, c. 176, art. IX, § 1)

State law references—Sale by city of evidences of indebtedness, § 45-12-5, Gen. Laws 1956; establishment of general sinking fund, § 45-12-8, Gen. Laws 1956; retirement of bonds in sinking fund, § 45-12-9, Gen. Laws 1956; excess assessments for debt retirement, § 45-12-11, Gen. Laws 1956.

Sec. 2-51. Assessment for damages, costs in proportion to benefits.

After all claims for damages filed have been finally determined, by allowance by the city council, by withdrawal, or by a judgment in an action or actions brought pursuant to article VIII [section 2.49], and the full amount of damages to be paid has accordingly been finally determined, all or any part of the total amount of such damages (but not exceeding such part thereof as may be specified in the resolution of intention), together with all costs and expenses incurred in connection with any proceedings or actions taken pursuant to this Act [article], may be assessed against the lands within the district and subject to assessment, in proportion to the benefits to be derived from the establishment of the pedestrian mall. (P. L. 1962, c. 176, art. IX, § 2)

Sec. 2.52. Form of bonds, principal and interest coupons.

The city council shall provide for the form of the bonds [issued upon unpaid assessments] and of the principal and interest coupons to be attached thereto. (P. L. 1962, c. 176, art. IX, § 3)

Sec. 2.53. Special fund; establishment, use.

All collections of assessments and all proceeds of the sale of bonds issued upon unpaid assessments shall be placed in

a special fund and used exclusively for the payment of the damages, if any, and expenses for which the assessments were levied. If there is a surplus in such special fund, the city council may expend such surplus for the improvement or operation of the pedestrian mall. (P. L. 1962, c. 176, art. IX, § 4)

Sec. 2.54. Determination that assessment not be levied; authority, effect.

Notwithstanding the fact that the proceedings under this Act [article] have provided that assessments may be levied, the city council at any time and either before or after the adoption of the resolution, may determine that such assessments shall not be levied. In lieu thereof the city council may provide for the payment of all or any part of the amounts referred to out of general funds of the city or out of any other available funds. (P. L. 1962, c. 176, art. IX, § 5)

Sec. 2.55. Authority of city to improve pedestrian mall.

The city and its city council shall have the power to improve a pedestrian mall, and for the accomplishment, in whole or in part, of that purpose may use any special assessment. The city may also pay the whole or any part of the cost and expenses of improving a pedestrian mall from its general funds or from any other available money and may let contracts for the work in any manner permitted by law or charter. (P. L. 1962, c. 176, art. X, § 1)

Sec. 2.56. Proceedings for improvement of pedestrian mall.

A pedestrian mall established or to be established pursuant to this part [section 2.55] may be so improved either concurrently with the proceedings taken under this part [section 2.55] for the establishment of the pedestrian mall or at any time subsequent to the establishment of the pedestrian mall, but no contract for the work or improvement shall be awarded until moneys have been fully provided for the payment of all claims allowed and for the payment of all damages and compensation, if any, awarded in any action or actions brought. (P. L. 1962, c. 176, art. X, § 2)

Sec. 2.57. Authority to combine proceedings with other proceedings.

If in connection with the establishment of a pedestrian mall and concurrently with the proceedings taken pursuant to this part [sections 2.55 and 2.56] the city council proposes to improve the proposed pedestrian mall, the city council may combine any part of the proceedings taken pursuant to this Act [article] with any part of the proceedings taken under any such special assessments law, to the end that duplication of ordinances, resolutions, notices, hearings and other acts or proceedings may be avoided. (P. L. 1962, c. 176, art. X, § 3)

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Chapter 3

MAYOR AND COUNCIL*

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Sec. 3.20. Authentication and publication of ordinances, resolutions upon final passage.

Sec. 3.1. Elective officers designated.

The elective officers of the city shall be a mayor, to be elected at large by the qualified voters of the City of Providence, and the members of the council, which body shall consist of twenty-six (26) councilmen, two (2) from each of the thirteen (13) wards of the city as the same are now constituted or may hereafter be altered by amendment, to be elected by the qualified voters of their respective wards. (P. L. 1940, c. 832, § 9)

Sec. 3.2. Elections of mayor, councilmen.

The mayor and the members of the city council shall be elected for a term of four (4) years at a general city election to be held on the Tuesday next after the first Monday in November, A.D. 1966 and quadrennially thereafter. Except as otherwise specifically provided in this charter, all general

*Cross references—Appointive officers and employees, § 4.1 et seq.; city council to fix license fees and charges, § 5.39.

and special laws of the State of Rhode Island pertaining to caucuses and elections of the members of the common council of the City of Providence and all the preliminaries thereto, shall, so far as applicable apply to and govern all elections under this charter. Where a conflict exists between the election laws and the provisions of this charter, the latter shall apply. (P. L. 1940, c. 832, § 11; P. L. 1966, c. 99, § 1)

Editor's note—Chapter 157, Public Laws of 1963, entitled "An Act Providing That Elective Meetings in the City of Providence Shall Be Open for the Purpose of Voting at 7:00 A.M.", provides in § 1 as follows:

"Section 17-18-10(28) of the General Laws of the State of Rhode Island, 1956, is amended to read as follows: '(28) Providence polls open at 7:00 A.M.'"

Sec. 3.3. Terms of office of mayor and council.

The term of office of the mayor shall be four (4) years and the terms of office of members of the council shall be for four (4) years. Every such term shall begin on the first Monday in January next following their election and each such person shall hold office until their successors are elected and qualified. (P. L. 1940, c. 832, § 10; P. L. 1966, c. 99, § 1)

Sec. 3.4. Vacancies in offices of mayor, councilman.

If a vacancy occurs in the office of mayor or councilman more than one hundred eighty (180) days before the time of holding the next succeeding regular city election, the council shall call a special election for the purpose of filling such vacancy for the residue of the term, such special election to be held within ninety (90) days of the date of the occurrence of such vacancy. If any such vacancy occurs one hundred eighty (180) days, or less, before the time of holding the next succeeding regular city election, the council shall call a special election for said purpose, to be held within said period of ninety (90) days, on demand therefor in writing signed by at least one-third of all the members of the council, and filed with the board of canvassers and registration and the city clerk at least one hundred (100) days prior to the time of holding the next succeeding regular city election. In the event that any state election, regular or special, or any city election for any other purpose shall be held within the said period

of ninety (90) days, the council may in its discretion order any special election required by the provisions of this section to be held at the same time as such other city or state election. (P. L. 1940, c. 832, § 12; P. L. 1951, c. 2864, § 1)

Amendment note—The 1951 amendment changed the time for holding special elections and for filing with the board of canvassers and registration.

Sec. 3.5. Engagement by mayor, council.

The mayor and the members of the city council, before entering upon the duties of their office, shall first be severally sworn or affirmed to the faithful discharge of the same, and to the support of the constitution and laws of this state, and of the Constitution of the United States, in the form and manner provided for by the laws of this state. The oath shall be administered by the judge of the probate court of the City of Providence, or in his absence, by the clerk thereof; such oath shall be administered only to a candidate or candidates to whom a certificate of election has been issued as required by law; provided, however, that said oath may be refused to such a candidate where, as a result of proper judicial proceedings, the election of such candidate shall have been declared void: In such case the oath shall be administered to the candidate who is lawfully elected and only after his election shall have been determined according to law. (P. L. 1940, c. 832, § 1)

Sec. 3.6. Mayor—Authority, compensation.

The mayor shall be the chief executive officer of the city, and shall be ex officio a justice of the peace within the city. He shall receive a salary the amount of which shall be fixed by the council, but which shall not be changed during the term for which he has been elected. (P. L. 1940, c. 832, § 49)

Sec. 3.7. Same—Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the powers and duties of the mayor shall be as follows:

(a) *Vigilance required.* He shall be at all times vigilant and active in causing the laws to be executed and enforced;

(b) *Duty as to budget.* [To] supervise the preparation of and submit to the council an annual budget estimate;

(c) *Special meetings of council.* [To] call special meetings of the council in the manner provided in this charter, whenever in his judgment the good of the city shall require the same;

(d) *Communications and recommendations to council.* [To] communicate to the council, from time to time, all such information, and recommend all such measures, as the business and interests of the city may in his opinion require;

(e) *Supervision of officers.* [To] see that all officers of the city faithfully comply with and discharge their official duties;

(f) *Coordination and cooperation of departments.* [To] coordinate and enforce cooperation between all departments of the city government;

(g) *Examination of boards, bureaus, etc.* [To] cause the affairs of any department, board, bureau or commission to be examined whenever in his judgment the good of the city shall require the same;

(h) *Approval or veto of ordinances.* [To] pass upon all ordinances and resolutions adopted by the council, either approving or withholding approval of the same, and in his discretion veto any ordinance or resolution and veto or reduce any item or items of appropriation, subject in all cases to the power of the council to pass the same over his veto, as hereinbefore provided;

(i) *Purchase of materials and supplies.* [To] make, through the purchasing agency of the city, purchases of all materials and supplies used in his office;

(j) *Secretaries, stenographers, clerks and assistants.* [To] appoint, without reference to civil service provisions and without the necessity for approval by the council, a secretary and such stenographers, clerks and other

assistants as may be necessary, and, with the approval of the council fix the compensation of such secretary, clerks and other assistants; and

(k) *General powers and duties.* [To] have and exercise all powers and duties now vested in the office of mayor and all such powers and duties as may be hereafter vested in said office by law, resolution or ordinance not inconsistent with this charter. (P. L. 1940, c. 832, § 50)

Sec. 3.8. Qualifications of members of council; dual office holding.

Members of the council shall be qualified electors of the respective wards from which they are elected. No member of the council shall hold any other public office carrying a salary, whether municipal, state or federal, except that of member of the state militia and member of the military or naval forces or reserves of the United States, unless and until he shall have resigned from the council. If any member of the council shall cease to possess any of the qualifications specified in this section, or while in office is convicted of a felony, or of any other crime not a felony but involving moral turpitude, he shall immediately forfeit his office. (P. L. 1940, c. 832, § 14)

Sec. 3.9. Enforcement of section 3.8.

Any citizen of Providence may file a signed statement in the office of the city clerk charging that any member or members of the council has or have ceased to possess the qualifications specified in section 14 [3.8] or has or have been convicted of any crime as aforesaid, and stating the particulars as to what lack of qualifications or what conviction is charged. The city clerk shall present such charges to the council at its next regular meeting, and at such meeting the council shall set a place and time for the holding of public hearings thereon, public notice of such hearings to be given by the city clerk. Such hearings shall be held not more than five (5) days after said meeting of the council. (P. L. 1940, c. 832, § 15)

Sec. 3.10. Salaries of members of council.

Each member of the council shall receive a salary, the amount of which shall be prescribed by ordinance. Until otherwise fixed by ordinance, such salary shall be seven hundred fifty dollars ($750.00) per year. No ordinance increasing the salary of members of the council shall become effective during the current term of office of members of the council enacting such ordinance. (P. L. 1940, c. 832, § 13)

Sec. 3.11. Organization of council; meetings.

At twelve o'clock noon on the first Monday of January or the first Tuesday if the first of January shall fall on a Monday, following a regular municipal election, the council shall meet in the council chamber in city hall or at any other place in the city designated by the mayor in office before such meeting and the newly elected members who have been engaged in the manner hereinafter set forth in section 21 [3.5] of this charter shall assume the duties of office. Until the election of a president as provided in section 22 [3.12] hereof, the presiding officer of the council shall be the candidate elected for the then current term who shall be the senior member of said council in point of service thereon (including service upon the board of aldermen), whether or not in consecutive terms, or, if there shall be no such elected candidate, or if there shall be two or more thereof tied for seniority in point of service, then such presiding officer shall be the candidate elected for the then current term who shall be senior in point of age among such elected candidates or such members of the council as may be tied with said candidate for the greatest length of service upon said council, as the case may be. Thereafter the council shall meet at such times and in such places as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the city clerk, or in his absence by one of his assistants thereunto duly authorized by said clerk or by said council, upon the written request of the mayor, or of one-sixth (1/6) of the members of the council. Notice of any special meeting shall be served personally on each member, or at least two (2) days' notice thereof shall be given

each member in any other manner prescribed by ordinance. All meetings of the council shall be open to the public; but the council may upon the affirmative vote of two-thirds (⅔) of its members authorize an executive session. (P. L. 1940, c. 832, § 20)

Sec. 3.12. President and president pro tem of council.

At its first meeting in the month of January next following a regular municipal election, or as soon thereafter as possible, the council shall elect from among its own members a president and a president pro tem. The affirmative votes of a majority of all members of the council shall be required for each such election. The president shall preside over the meetings of the council and during the absence of the mayor from the city or his inability for any reason to discharge the duties of his office the said president shall exercise all the power and discharge all the duties of the mayor. During any absence of the president from any meeting of the council the president pro tem shall preside over the council, and in case of the absence of the president from the city, or his inability to discharge the duties of his office, the president pro tem shall discharge the duties of such office and act in his place. In case of the absence of both the president and president pro tem or the inability of both of them to discharge the aforesaid duties of the office of president, the council may elect one of its other members to perform such duties during the absence or disability of both the president and the president pro tem. The president, president pro tem, or temporary presiding officer while performing the duties of mayor, shall be termed acting mayor, and all acts performed by him when acting as mayor as aforesaid shall have the same force and validity as if performed by the mayor. (P. L. 1940, c. 832, § 22)

Sec. 3.13. Quorum of council; procedure.

Except as otherwise provided in this charter, the legislative powers of the council shall be exercised as provided by ordinance or rule adopted by it.

(a) *Majority constitutes quorum.* Every member of the council may vote on any question coming before it. A majority of all members of the council shall constitute a quorum.

(b) *Robert's Rules of Order; journal.* The council shall from time to time establish rules for its proceedings, and in case applicable rules have not been adopted, shall be governed by "Robert's Rules of Order" and by the common law. The "yeas" and "nays" of the members of the council shall at the desire of one-sixth (1/6) of those members present be entered on the journal. A full and accurate journal of the proceedings of the council shall be kept, and shall be a public record. (P. L. 1940, c. 832, § 23)

Sec. 3.14. Adjournment of council by less than quorum; compelling attendance.

A less number of members of the council than a quorum may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. (P. L. 1940, c. 832, § 24)

Sec. 3.15. Introduction and passage of ordinances, resolutions by council.

Every ordinance and resolution shall be introduced only in written or printed form, and passed or adopted at each reading by a majority of the members of the council then present. Every legislative act shall be by ordinance. No ordinance or resolution shall be so amended in its passage as to change its original purpose. Ordinances making annual or supplemental appropriations shall be confined to the subject of appropriations.

No ordinance shall be passed until it has been read on two (2) separate days, nor until at least forty-eight (48) hours shall have elapsed between such two (2) readings; provided, however, that the above requirement for a second reading may be dispensed with in the case of emergency ordinances by a vote of not less than three-fourths (¾) of all the mem-

bers of the council. The second reading of each ordinance shall be in full, unless a copy thereof shall have been furnished to each member of the council prior to such reading.

The enacting clause of all ordinances shall be: "Be it ordained by the City of Providence." (P. L. 1940, c. 832, § 25)

Sec. 3.16. Inspection of proposed ordinances and resolutions by public.

After the introduction of any resolution or ordinance in the council, the city clerk shall keep available a copy of such proposed resolution or ordinance, together with all amendments thereto, which copy shall be a public record. (P. L. 1940, c. 832, § 29)

Sec. 3.17. Public hearings on order, ordinance, resolution.

When any order, ordinance or resolution shall be referred by the council to a committee of such council for further investigation, said committee may hold public hearings on such order, resolution or ordinance and if a petition shall be presented to the city clerk signed by at least fifty (50) qualified electors of the City of Providence, then said committee shall hold a public hearing or hearings on such order, resolution or ordinance. The city clerk shall give notice thereof at least two (2) days in advance of any such public hearing by posting a notice thereof on a bulletin board placed conspicuously in his office so as to be clearly visible to members of the public who enter the same. (P. L. 1940, c. 832, § 32)

Sec. 3.18. Approval of ordinance, resolution by mayor; reconsideration and veto.

Each resolution or ordinance adopted by the council shall, within twenty-four (24) hours of final passage thereof, be transmitted to the mayor by the city clerk. Any ordinance adopted by the council as an emergency measure shall be acted upon by the mayor within three (3) days after receipt thereof by him from the city clerk. All other ordinances or resolutions shall be acted upon by the mayor within ten (10) days of such receipt. The mayor shall either approve such ordinance or resolution adopted by the council by signing and returning

the same to the city clerk within the time limit applicable thereto, as hereinbefore set forth, or he shall disapprove and veto any resolution or ordinance, or veto or reduce any separate appropriation item or items, and shall return each such resolution or ordinance to the city clerk with his written objections thereto within the time limit as aforesaid. Failure of the mayor to make such return within the time limit shall constitute approval and such ordinance or resolution shall take effect at the time indicated therein without the mayor's signed approval. The city clerk shall note such fact on the official copy of such resolution or ordinance. If any separate appropriation item or items in any resolution or ordinance are vetoed or reduced by the mayor as herein provided, the remainder of any such ordinance or resolution may be approved by the mayor and, if not specifically approved by the mayor shall take effect without such approval and shall be so noted by the city clerk.

The council may reconsider any resolution or ordinance vetoed or disapproved, or any separate appropriation item or items vetoed or reduced by the mayor, and if after such reconsideration, two-thirds (⅔) of all the members of the council shall vote in favor of passage thereof, it shall become effective notwithstanding the mayor's action in regard thereto. Such vote must be taken by calling the roll of the members of the council and the "yeas" and "nays" of said members voting thereon shall be recorded in the journal of said council. If a larger vote is required for the adoption of a measure by the provisions of this charter, such larger vote shall be required to overcome the veto of the mayor. The vote of reconsideration of each such vetoed resolution, ordinance or separate appropriation item or items shall be taken at the convenience of the council. If the ordinance or resolution or separate appropriation item or items is not passed over the mayor's veto within thirty (30) days from the date of the delivery thereof to the mayor, as hereinbefore provided, the measure or items shall be lost, or shall stand reduced, as the case may be.

In the event of any absence of the mayor for which the council has failed to designate an acting mayor, no resolu-

tion or ordinance adopted by the council shall take effect by reason of the failure of the mayor to approve or disapprove and return such resolution or ordinance within the time limits applicable thereto, and in such cases, the time periods or limitations as fixed by this section shall not start until an acting mayor has been elected by the council, as in this charter provided, or the return of the mayor, whichever event shall first happen. (P. L. 1940, c. 832, § 26)

Sec. 3.19. Enactment of emergency measures.

An emergency measure is an ordinance or resolution to provide for the immediate preservation of public peace, property, health or safety in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least three-fourths (¾) of all the members of the council shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall be passed as an emergency measure. No situation shall be declared an emergency by the council except as defined in this section and it is hereby declared to be the policy of this charter that such definition shall be strictly construed by the courts. (P. L. 1940, c. 832, § 27)

Sec. 3.20. Authentication and publication of ordinances, resolutions upon final passage.

Upon its final passage each ordinance or resolution shall be authenticated by the signature of the president and the city clerk and shall be recorded in a book kept for that purpose. Within fifteen (15) days after final passage, each ordinance and resolution shall be published at least once in such manner as the council may prescribe by ordinance. (P. L. 1940, c. 832, § 28)

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Chapter 4

APPOINTIVE OFFICERS AND EMPLOYEES*

Sec. 4. 1. Approval by council of appointments of mayor.
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Sec. 4. 4. Oath of office.
Sec. 4. 5. Entry upon duties of office.
Sec. 4. 6. City clerk—Election and term of office.
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Sec. 4. 9. Same—Powers and duties.
Sec. 4.10. Recorder of deeds—Appointment and term of office.
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Sec. 4.12. Superintendent of health—Appointment and term of office.
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Sec. 4.21. Inspector of buildings.
Sec. 4.22. Sanitary engineer of plumbing and drainage.
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Sec. 4.25. Administrative rules, regulations; authority of mayor.
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Sec. 4.29. Corrupt practices designated, prohibited.
Sec. 4.30. Removal of officers.

Sec. 4.1. Approval by council of appointments of mayor.

Wherever in this charter the mayor is authorized and empowered to appoint any officer of the city government, and such appointment by the mayor is also made subject to approval by the council, the following procedure, and no other, shall be followed.

The mayor shall, in all such cases of appointment, notify the council in writing of his appointment, and the council shall, within fifteen (15) calendar days after receipt of said notice, act upon said appointment. If the council shall, within

*Cross reference—Mayor and council, § 3.1 et seq.

said fifteen (15) calendar days, vote by a majority of its members to disapprove such appointment it shall so notify the mayor, who shall forthwith appoint and notify the council of the appointment of a different person, and so on in like manner until the council shall fail to so vote disapproval of the mayor's appointment. If the council shall fail, for fifteen (15) calendar days next after notice, to act upon any such appointment of which it has been notified by the mayor, or to disapprove the same within said period if action is taken thereon, the council shall be deemed to have approved such appointment. The mayor may withdraw any appointment of which he has given notice to the council at any time within fifteen (15) calendar days thereafter and before action has been taken thereon by the council. The same procedure shall be followed in case of a vacancy in any office over which the mayor has power of appointment subject to approval by the council, and in each such case the mayor shall notify the council of his first appointment to fill such vacancy within thirty (30) calendar days of the occurrence thereof; provided, however, that the mayor in such case of vacancy may appoint some person to fill such vacancy until such time as the successor in such office shall have been appointed, in manner aforesaid, and shall have qualified. Nothing in this section contained shall be deemed to grant to the council any power to substitute any name in place of the name of the person appointed by the mayor, and any and all such power in the council is hereby expressly denied. (P. L. 1940, c. 832, § 47)

Sec. 4.2. Compensation of officers and employees.

The council shall have power by ordinance to fix the compensation of all officers and employees of the city whether or not such compensation is now established by general or special law or by rule, resolution, order or ordinance of the council; provided, however, that each officer and employee of the city shall receive the compensation received by him at the time of the adoption of this charter until such time as the council shall alter the amount of such compensation. (P. L. 1940, c. 832, § 39)

Sec. 4.3. Terms of office.

Except as otherwise provided in this charter, all officers of the City of Providence elected or appointed by the council, or whose appointment is subject to approval by the council, whether by authority of this charter or under any general or special law or laws pertaining to said city, shall be elected or appointed biennially on the first Monday of January, or as soon thereafter as may be, commencing in 1941, excepting the bureau of police and fire, the water supply board, the board of canvassers and registration, the board of park commissioners, the commissioners of sinking funds, the zoning board of review, the building board of review, the board of hospital commissioners, the judge and clerk of the probate court, the retirement board, and any boards of officers now or hereafter established, the term of office of any members of which exceeds two (2) years, and any other officers whose terms as now or hereafter established by law exceed two (2) years. All officers of this city, however elected or appointed, shall hold their respective offices for the term or terms for which they are respectively elected or appointed and until their successors are duly chosen and qualified, and all vacancies, unless otherwise provided by law, shall be filled for the remainder of the term. (P. L. 1940, c. 832, § 40)

Sec. 4.4. Oath of office.

Every officer, appointed or elected, shall take and subscribe the following oath of office:

> "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the State of Rhode Island, and that I will faithfully discharge the duties of such office to the best of my ability";

and shall file such oath, duly certified by the officer before whom it was taken, in the office of the city clerk. Such writing shall be a public record. The provisions of this section shall not apply to the members of the council or the mayor who shall be engaged in their respective offices in accordance with the provisions of section 21 [3.5] hereof. (P. L. 1940, c. 832, § 41)

Sec. 4.5. Entry upon duties of office.

Officers who are elected at regular or special city elections shall enter upon their duties as provided in section 20 [3.11] hereof. Appointive officers and officers who are elected at other than regular or special city elections or who, not being so elected, are appointed to fill the unexpired portion of a term, shall enter upon their duties within ten (10) days next following notice of their election or appointment. If any officer, subject to the provisions of section 21 [3.5] hereof, shall wilfully neglect to take and subscribe his oath of office within said period of ten (10) days, the council may by resolution in such case declare the office vacant, and such vacancy shall be filled as provided in this charter. (P. L. 1940, c. 832, § 42)

Sec. 4.6. City clerk—Election and term of office.

On the first Monday in January, 1941, or as soon thereafter as may be, and biennally thereafter on the first Monday in January or as soon thereafter as may be, the council shall elect, by a vote of a majority of all of its members, a city clerk, to serve until his successor shall have qualified. (P. L. 1940, c. 832, § 51)

Code reference—Code provisions pertaining to city clerk, § 2-46 et seq.
State law reference—Special act relative to department of city clerk, P.L. 1913, c. 978, as amended by P.L. 1923, c. 2371.

Sec. 4.7. Same—Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the powers and duties of the city clerk shall be as follows:

(a) *Department head.* He shall have the status of a department head, with all the powers and duties appertaining thereto;

(b) *Attending meetings of council and keeping journal.* [He shall] act as clerk of and shall attend all meetings of the council, and shall keep a journal of the acts and proceedings thereof; and in case of his disability from any cause or absence from any meeting of the council, one of his deputies shall act as clerk during

such absence or disability. If at any meeting of the council, no person is present pursuant to the provisions hereof, such body shall elect one of its members as clerk pro tempore;

(c) *Keeping papers on file.* [He shall] keep on file all such papers as are required by law to be filed in his office, and make due provision for public inspection of those papers filed therein which are by law required to be open to such inspection; and

(d) *General powers and duties.* [He shall] have and exercise all powers and duties now vested in the office of city clerk, and all powers and duties that may hereafter be vested in said office by law, resolution or ordinance. (P. L. 1940, c. 832, § 52)

Sec. 4.8. City treasurer—Election and term of office.

On the first Monday in January, 1941, or as soon thereafter as may be, and biennially thereafter on the first Monday in January, or as soon thereafter as may be, the council shall elect a city treasurer, who shall serve until his successor shall have qualified. (P. L. 1940, c. 832, § 83)

Sec. 4.9. Same—Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the powers and duties of the city treasurer shall be as follows:

(a) *Department head.* He shall have the status of a department head, with all the powers and duties appertaining thereto; and

(b) *Powers and duties generally.* [He shall] have and exercise all powers and duties now vested in the office of city treasurer, and all powers and duties that may hereafter be vested in said office by law, resolution or ordinance. (P. L. 1940, c. 832, § 84)

Sec. 4.10. Recorder of deeds—Appointment and term of office.

On the first Monday of January, 1941, or as soon thereafter as may be, and biennially thereafter, on the first Monday in

January, or as soon thereafter as may be, the mayor shall appoint, subject to the approval of the council, a recorder of deeds who shall hold office until his successor shall have qualified. (P. L. 1940, c. 832, § 53)

State law reference—Special act relative to recorder of deeds, P.L. 1925, c. 684, amending P.L. 1866, c. 598.

Sec. 4.11. Same—Powers and duties.

Subject to the other provisions of this charter and except as otherwise provided therein, the recorder of deeds shall have the status of a department head, with all the powers and duties appertaining thereto, and shall have and exercise all powers and duties now vested in the office of recorder of deeds, and all powers and duties that may hereafter be vested in said office by law, resolution or ordinance. (P. L. 1940, c. 832, § 54)

Sec. 4.12. Superintendent of health—Appointment and term of office.

On the first day of January in 1941, or as soon thereafter as may be, and biennially thereafter on the first day of January, or as soon thereafter as may be, the mayor shall appoint, subject to the approval of the council, a superintendent of health, to serve until his successor shall have qualified. (P. L. 1940, c. 832, § 109)

Sec. 4.13. Same—Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the powers and duties of the superintendent of health shall be as follows:

(a) *Head of department.* He shall have the status of a department head, with all the powers and duties appertaining thereto;

(b) *Ex officio registrar and inspector of milk.* [He shall] be ex officio city registrar and inspector of milk;

(c) *Bathhouses and comfort stations.* [He shall] have and exercise all powers of inspection and regulation with

respect to sanitary conditions in bathhouses and comfort stations in the city in conformity with and subject to the provisions of this charter and such laws, ordinances and resolutions as may thereafter be enacted;

(d) *General powers and duties.* [He shall] have and exercise all powers and duties now vested in the office of superintendent of health, and all powers and duties hereafter vested in said office by law, resolution or ordinance.

(e) *Supervision, operation of bathhouses and comfort stations; rules and regulations.* [He shall have] supervision and operation of bathhouses and comfort stations and the issuance of such rules and regulations as may be required to conform to the necessities of public health and safety. (P. L. 1940, c. 832, § 110; P. L. 1949, c. 2308, § 2)

Amendment note—P.L. 1949, c. 2308, § 2, added subsection (e) to § 110 of the charter, set out above.

Sec. 4.14. Director of public welfare—Appointment and term of office.

On the first Monday in January 1941, or as soon thereafter as may be, and biennially thereafter on the first Monday in January or as soon thereafter as may be, the mayor shall appoint, subject to the approval of the council, a director of public welfare to serve until his successor shall have been appointed and shall have qualified. (P. L. 1940, c. 832, § 113)

Sec. 4.15. Same—Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the director of public welfare shall have and exercise all powers and duties now vested in the office of director of public welfare and local director of aid to dependent children for the City of Providence, respectively, and all such powers and duties as may be hereafter vested in said offices by law, resolution or ordinance. Without in any way limiting the generality of the foregoing, said director shall:

(a) *Department head.* Have the status of a department head, with all the powers and duties prescribed therefor and appertaining thereto.

(b) *General powers and duties.* Have and exercise all powers and duties now vested in said office of director of public welfare, and all other powers and duties that may hereafter be vested in said office by law, resolution or ordinance. (P. L. 1940, c. 832, § 114)

Sec. 4.16. City sergeant—Appointment and term of office.

On the first Monday in January 1941, or as soon thereafter as may be, and biennially thereafter on the first Monday in January, or as soon thereafter as may be, the mayor shall appoint, subject to the approval of the council, a city sergeant to serve until his successor shall have been appointed and shall have qualified. (P. L. 1940, c. 832, § 129)

Sec. 4.17. Same—Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the powers and duties of the city sergeant shall be as follows:

(a) *Head of department.* He shall have the status of a department head with all the powers and duties appertaining thereto;

(b) *Ex officio city messenger.* [He shall] be ex officio city messenger; and

(c) *Powers and duties in general.* [He shall] have and exercise all powers and duties now vested in the office of city sergeant, and city messenger, and all such powers and duties as may be hereafter vested in said offices by law, resolution or ordinance. (P. L. 1940, c. 832, § 130)

Sec. 4.18. Deputies of department heads; appointment, duties.

As soon as may be after his election and qualification, each department head shall appoint, without the necessity of any approval or confirmation by any other person or body, such deputies as may now or hereafter be authorized by ordinance,

resolution or law, and at the same time shall designate in writing the respective rank of said deputies. During the absence from the city or disability for any cause of any department head, or at his request, his deputies shall perform such duties as shall be prescribed by said department head. Subject to such civil service provisions as may hereafter be adopted, all such deputies shall serve at the pleasure of their respective department heads. (P. L. 1940, c. 832, § 37)

Sec. 4.19. Deputies of city officers; appointment, duties.

As soon as may be after his appointment and qualification each officer of the city appointed by any department head or by any board, bureau or commission (whether or not his appointment is subject to approval by the mayor) who is now or may hereafter be authorized by general or special law or by ordinance or resolution or by this charter to have one or more deputies (however said deputies shall have been previously appointed or elected), shall appoint such deputies as may be necessary for the due performance of the duties of his office, at the same time designating the respective rank of said deputies, which said appointments and designations shall be subject to the approval of the person or body that appointed said officer. During the absence from the city or disability for any cause of any such officer, or at his request his deputies shall perform such duties as may be prescribed by said department head. Subject to such civil service provisions as may hereafter be enacted by the council, all deputies appointed in accordance with the provisions of this section may, subject to the approval of the person or body whose approval is required hereby for their appointment, be removed at the pleasure of the officer appointing such deputies. (P. L. 1940, c. 832, § 38)

Sec. 4.20. Clerks, assistants, subordinates; appointment, duties.

Except as otherwise expressly provided in this charter, and subject in all cases to such civil service provisions as may hereafter be enacted by ordinance, each department head and

each board, commission and bureau, howsoever elected or appointed, may appoint and discharge, without the necessity of any approval or confirmation by any other person or body, and prescribe the powers and duties of his or their clerks, assistants, subordinates and other persons or officers serving under their supervision and/or control whose employment is authorized by law or by this charter or may hereafter be authorized by law, resolution or ordinance. (P. L. 1940, c. 832, § 36)

Sec. 4.21. Inspector of buildings.

The bureau of police and fire shall appoint, subject to the approval of the mayor, an inspector of buildings who shall have had at least five (5) years' experience as an architect or structural engineer. Said bureau shall have supervision and control of said inspector and his deputies, assistants, clerks and subordinates all of whom shall respectively have and exercise (subject in all cases to the supervision and control of said bureau) all powers and duties now vested in their respective offices, and all powers and duties that may hereafter be vested in their respective offices by law, resolution, or ordinance. (P. L. 1940, c. 832, § 68)

Editor's note—The first paragraph of § 10, Ch. 2723, P.L. 1951, set out below, while not specifically amending this section as it appears in the original, substantially affects it and should be read in conjunction therewith.

"Sec. 10. The inspector of buildings, the sanitary engineer of plumbing and drainage and the superintendent of weights and measures shall be appointed by the mayor, subject to the approval of the city council, as soon as may be after the passage of this Act. Each of said officers shall be deemed department heads as to their respective departments and shall have all powers and duties now or hereafter vested in their respective offices."

Apparently the bureau of police and fire has been replaced by the department of public safety under a commissioner of public safety. In this regard see § 5.8 et seq., pertaining to the departments of police and fire.

Sec. 4.22. Sanitary engineer of plumbing and drainage.

The bureau of police and fire shall likewise appoint, subject to the approval of the mayor, a sanitary engineer of plumbing and drainage. Said bureau shall have the supervision and control of said sanitary engineer and his deputies,

assistants, clerks, and subordinates, all of whom shall respectively have and exercise (subject in all cases to the supervision and control of said bureau) all powers and duties now vested in their respective offices, and all powers and duties that may thereafter be vested in their respective offices by law, resolution or ordinance. No person shall be eligible to be sanitary engineer of plumbing and drainage, or deputy sanitary engineer of plumbing and drainage, unless he be a practical plumber and qualified by training and experience in the theory and practice of sanitation as applied to plumbing and drainage. (P. L. 1940, c. 832, § 69)

Editor's note—The first paragraph of § 10, Ch. 2723, P.L. 1951, set out following § 68 of the charter, codified at § 4.21, while not specifically amending this section as it appears in the original, substantially affects it and should be read in conjunction therewith.

Sec. 4.23. Superintendent of weights and measures.

The bureau of police and fire shall likewise appoint, subject to the approval of the mayor, a superintendent of weights and measures, who shall be ex officio sealer of weights and measures, inspector of kerosene, city gauger, city weigher, and surveyor of lumber. Said bureau shall have supervision of said inspector and his deputies, all of whom shall respectively have and exercise (subject in all cases to the supervision and control of said bureau) all powers and duties now vested in their respective offices and all powers and duties that may hereafter be vested in their respective offices by law, resolution or ordinance. (P. L. 1940, c. 832, § 70)

Editor's note—The first paragraph of § 10 Ch. 2723, P.L. 1951, set out following § 68 of the charter, codified at § 4.21, while not specifically amending this section as it appears in the original, substantially affects it and should be read in conjunction therewith.

Sec. 4.24. Subordinates for inspector of buildings, sanitary engineer, superintendent of weights and measures.

Subject to such civil service provisions as the council may hereafter enact, said inspector of buildings, superintendent of weights and measures, and sanitary engineer of plumbing and drainage shall, subject to the approval of the bureau of

police and fire, have the appointment and removal of their respective deputies, clerks, inspectors, assistants and other subordinates. (P. L. 1940, c. 832, § 71)

Editor's note—The first paragraph of § 10, 2723, P.L. 1951, set out following § 68 of the charter, codified at § 4.21, while not specifically amending this section as it appears in the original, substantially affects it and should be read in conjunction therewith.

Sec. 4.25. Administrative rules, regulations; authority of mayor.

The director of each department, and each board, commission and bureau shall have the supervision and control of the respective department of the city government committed to his or their charge by the provisions of this charter. They shall have power to prescribe rules and regulations not inconsistent with this charter and the resolutions and ordinances passed in pursuance thereof, for the distribution and performance of the business of their respective departments, and for the custody and preservation of the books, records, papers and property under their control. Except in the case of departments administered by boards, commissions, and bureaus, and the department of the city clerk, all powers granted in this section shall be exercised under and subject to the direction of the mayor. (P. L. 1940, c. 832, § 44)

Sec. 4.26. Assignment of functions in department.

Except as otherwise provided in this charter, the head of any department, with the approval of the mayor, and any board, commission, bureau, or other agency of the city may assign the functions vested in his or their departments to such subordinate officers and employees as may seem desirable to such department head, board, commission, bureau or other agency, and may establish within the department such subdivisions or other administrative or organization units as may seem desirable in order to expedite the work of the department in the interests of economy and efficiency and in accordance with good administrative principles and practices. No person other than the head of a department or a board, commission or bureau, or an independent agency, may challenge the authority of his or its agent to do any act which

said department head, board, bureau, commission or other agency is authorized by this charter to do. (P. L. 1940, c. 832, § 45)

Sec. 4.27. Annual reports to be filed.

Annually on such date as may be fixed by the council, a director of each department, and each board, commission and bureau shall render to the mayor a full report in writing of the operations of their respective departments for the year, and shall at the same time forward to each member of the council and to the city clerk, respectively, one copy thereof. All such copies so filed with the city clerk shall be public records. (P. L. 1940, c. 832, § 46)

Sec. 4.28. Delivery of books, papers, money and effects to successor in office.

Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer. Every person violating this provision shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment for not more than two (2) years. Every officer appointed or elected under this charter shall be deemed an officer within the meaning of this section. (P. L. 1940, c. 832, § 43)

Sec. 4.29. Corrupt practices designated, prohibited.

No employee of said city shall solicit contributions of money, property, or services for any political party or campaign, nor shall any person solicit from any employee of the city any such contribution. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars ($100.00), or be imprisoned for not more than sixty (60) days, or both. Any employee convicted of an offense under this section shall forthwith be dismissed from his office or position. (P. L. 1940, c. 832, § 142)

Sec. 4.30. Removal of officers.

(a) *Appointment approved by mayor or council.* All officers of the city whose appointment is by this charter made subject to the approval of either the council or the mayor may be suspended by the mayor and removed by the council for cause. The mayor shall notify such suspended officer of his suspension and the cause therefor in writing, and shall at the same time notify the council of such suspension and cause, by filing in the office of the city clerk a copy of said notification. The mayor shall likewise present written charges against such suspended officer to the council at or prior to its next regular meeting following such suspension, and prior to said meeting shall cause a copy of said written charges to be served upon such suspended officer, or, if he cannot be found, to be left at his last and usual place of abode, by any person authorized by law to serve writs of summons issued by the superior court of the County of Providence. At said meeting the council shall fix a time for hearing said charges, which hearing shall be held not less than ten (10) nor more than fifteen (15) days after said meeting of the council. Notice in writing of the time and place for holding such hearings shall be given to said suspended officer or by the city clerk by registered mail addressed to his last and usual place of abode and mailed within twenty-four (24) hours after the council shall have fixed the time and place of such hearing as aforesaid. At such hearing the suspended officer shall have the right to appear with counsel and to be heard before the council in his own defense. If, after such hearing, the charges are deemed to be sustained by the affirmative vote of not less than two-thirds (⅔) of all the members of the council, the suspended officer shall be removed from office; if not so sustained, or if action upon said charges is not initiated by the council within thirty (30) days after the service of said charges upon said officer, the suspended officer shall be thereby reinstated, and shall be paid by the city treasurer all compensation to which he would have been entitled from the city except for such suspension.

(b) *Officers elected by council.* The council may for cause suspend from office and remove after full hearing upon writ-

ten charges any officer of the city elected by it. The city clerk shall forthwith cause a copy of the council's order of suspension, together with a copy of the charges against such suspended officer and with notice of the time and place fixed by the council for hearing thereon, to be served upon such officer, or, if he cannot be found, to be left at his last and usual place of abode, by any person authorized by law to serve writs of summons issued by the superior court for the County of Providence. Said hearing shall be held not less than fifteen (15) nor more than twenty (20) days after the date of the suspension of such officer. At such hearing the suspended officer shall have the right to appear with counsel and to be heard before the council in his own defense. If, after such hearing, the charges are deemed to be sustained by the affirmative vote of not less than two-thirds of all the members of the council the suspended officer shall be removed from office; if not so sustained, the suspended officer shall be thereby reinstated, and shall be paid by the city treasurer all compensation to which he would have been entitled from the city except for such suspension.

(c) *Open hearings.* All hearings held under the provisions of this section shall be open to the public, the notice of the time and place thereof shall be given by the city clerk by advertisement at least once prior to the date of such hearing in a newspaper of general circulation in the City of Providence printed in the English language.

(d) *Copy of charges to be filed.* In all cases of removal under the provisions of this section a copy of the charges against the person sought to be removed shall be filed in the office of the city clerk at least three (3) days prior to the time fixed for hearing thereon, and all such copies shall be public records.

(e) *Vacancy created when charges sustained.* In each case of removal hereunder where the charges are sustained, the action of the council in sustaining such charges shall ipso facto create a vacancy in office which shall be filled in accordance with the provisions of this charter relating to the filling of vacancies in the office from which such officer was removed. (P. L. 1940, c. 832, § 48)

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Chapter 5

DEPARTMENTS, BOARDS, BUREAUS AND COMMISSIONS

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Article I. Department of Law*

Sec. 5.1. City solicitor as head of department; appointment, term, qualifications.

The city solicitor now in office shall continue in such office until the first Monday in May 1942. On the first Monday in May 1942, and biennially thereafter the mayor shall appoint, subject to the approval of the council, a city solicitor, who shall be an attorney at law of good standing and shall have

*Code reference—City solicitor, § 2-98 et seq.

practiced in the State of Rhode Island for at least five (5) years. The city solicitor shall be the head of the department of law. (P. L. 1940, c. 832, § 55)

Sec. 5.2. Assistant city solicitors; appointment, qualifications.

The city solicitor shall appoint four (4) assistant city assistants, or such larger number thereof as may from time to time be authorized by the council. All persons appointed assistant city solicitors shall be attorneys at law in good standing of the State of Rhode Island. (P. L. 1940, c. 832, § 56)

Sec. 5.3. Powers and duties of city solicitor.

The city solicitor shall be the chief legal advisor of and attorney and counsel for the city and all departments, boards, commissions, bureaus, and officers thereof in matters relating to their official powers and duties, and shall have and exercise all powers and duties now vested in the office of city solicitor, and all powers and duties that may hereafter be vested in said office by law, resolution or ordinance. Without in any way limiting the generality of the foregoing, it shall be his duty, either personally or by such assistants as he may designate, to:

(a) *In general.* Perform all duties incident to the department of law;

(b) *Meetings of council.* Attend all meetings of the council;

(c) *Advice to council, mayor, departments, etc.* Give advice in writing, when so requested, to the council, the mayor, the director of any department, and any and all boards, commissions, bureaus and other officers of the city;

(d) *Action in which city is party.* Prosecute or defend, as the case may be, all suits or causes to which the city may be a party;

(e) *Complaints on behalf of state.* Prosecute and control all complaints brought by the police of the city on behalf of the state; provided, however, that nothing herein contained shall be deemed to affect or limit the powers and duties of the attorney general;

(f) *Draft of police or fire regulations.* Draft, on the request of the mayor or the bureau of police and fire, all regulations they may issue;

(g) *Preparation of leases, deeds, contracts, bonds, etc.* Prepare all leases, deeds, contracts, bonds and other instruments in writing in which the city is concerned, and/or endorse thereon his approval of the form and correctness thereof; and

(h) *Other duties as required.* Perform such other duties of legal nature as the council may by resolution or ordinance require. (P. L. 1940, c. 832, § 57)

Sec. 5.4. City solicitor to furnish counsel for all departments, boards, etc.

No officer, board, commission, bureau or department shall have or employ any attorney or counsel at the expense of the city unless the council shall have approved such employment in accordance with the provisions of section 34 [2.8] hereof. The city solicitor shall furnish every such officer, board, commission, bureau, or department such advice or legal assistance, as counsel or attorney, in or out of court, as may be required by them. (P. L. 1940, c. 832, § 58)

Sec. 5.5. Application by city solicitor for injunction.

The city solicitor, when so instructed by the mayor, shall apply, in the name of the city, to a court of competent jurisdiction for an injunction to restrain the misapplication of the funds of the city or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption. (P. L. 1940, c. 832, § 59)

Sec. 5.6. Application by city solicitor for relief from obligation, contract.

When an obligation or contract made on behalf of the city, granting an easement, or creating a public duty, is being evaded or violated, the city solicitor, when so instructed by

the mayor, shall likewise apply to a court of competent jurisdiction for such relief, whether at law or in equity, as the nature of the case may require. (P. L. 1940, c. 832, § 60)

Cross references—Prohibited interests in contracts with city, § 2.14; such contracts to be voidable, § 2.15; ratification or avoidance thereof, § 2.16; action by taxpayer thereon, § 2.17.

Sec. 5.7. Application for process to compel officer to perform duty.

In case any officer of the city fails to perform any duty required by law, the city solicitor, when so instructed by the mayor, shall apply to a court of competent jurisdiction for suitable process to compel the performance of such duty. (P. L. 1940, c. 832, § 61)

Article II. Departments of Police and Fire*

Sec. 5.8. Meaning of word "commissioner".

As used in this chapter, the word "commissioner" in reference to the police and fire departments shall mean the "commissioner of public safety". (§ 185, added by P. L. 1951, c. 2723, § 1)

Editor's note—P.L. 1951, c. 2723, § 1, provided that this and the following thirteen sections be added as sections 172 through 185 of the Charter. Because of the subject matter, these sections have been renumbered as §§ 5.8 through 5.21.

Other sections of P.L. 1951, c. 2723, while not specifically amending the Charter, have the same effect, and should be read in conjunction therewith.

Sec. 5.9. Police department—Creation; appointment, qualifications, compensation of commissioner of public safety.

There shall be a police department, the head of which shall be the commissioner of public safety who shall be appointed by the mayor with the approval of the city council and shall serve at the pleasure of the mayor. Said commissioner shall not have been a member of any police or fire departments

*State law references—Special act providing for bureau of police and fire, P.L. 1935, c. 2275, as amended by P.L. 1936, c. 2478 and P.L. 1939, c. 748; special act authorizing bureau of police and fire to make rules and regulations as to sick leave of employees, P.L. 1940, c. 838.

within the five (5) years next preceding his appointment, but service as a commissioner shall not be construed to constitute membership in said departments. The compensation of said commissioner shall be fixed by the city council. (§ 172, added by P. L. 1951, c. 2723, § 1)

Sec. 5.10. Same—Effect of vacancy in office of commissioner of public safety.

In the event of a vacancy in the office of commissioner [of public safety], the mayor shall act as head of the police department until a commissioner has been appointed. (§ 173, added by P. L. 1951, c. 2723, § 1)

Sec. 5.11. Same—Chief of police.

The commissioner [of public safety] shall appoint a chief of police who shall be the chief executive officer of the police department, subject to the direction of the commissioner, and who shall hold office at the pleasure of said commissioner. (§ 174, added by P. L. 1951, c. 2723, § 1)

Sec. 5.12. Same—Responsibility of commissioner.

The commissioner [of public safety] shall be responsible for the administration and discipline of the police department and he shall be charged with and responsible for the enforcement and execution of all laws and ordinances and the rules and regulations of the department. (§ 175, added by P. L. 1951, c. 2723, § 1)

Sec. 5.13. Same—Authority of commissioner.

The commissioner [of public safety] shall have authority to appoint, remove, organize and control the officers and men of the [police] department and the police surgeons, matrons, and all other attaches of the police department of the city as now or hereafter constituted. Said commissioner shall have the authority to make all needful rules and regulations for the efficiency, management and direction of the department, except as otherwise provided by law. Said rules shall provide for the qualification, appointment, removal,

organization, term of office, powers, duties, discipline and control of members of the police department. (§ 176, added by P. L. 1951, c. 2723, § 1)

Sec. 5.14. Same—Commissioner to make reports to mayor and council.

The commissioner [of public safety] shall make a detailed report to the mayor and city council at such times as the mayor or council may require. (§ 177, added by P. L. 1951, c. 2723, § 1)

Sec. 5.15. Same—Inspection of records.

The records of the police department shall at all times be open to the inspection of the mayor or to such person or persons as may be designated in writing by him. (§ 178, added by P. L. 1951, c. 2723, § 1)

Sec. 5.16. Same—Powers of mayor, commissioner, department.

The mayor, the commissioner [of public safety], the chief of police, and all police officers duly appointed shall have and exercise within the limits of the city, as now or hereafter constituted, all such common law and statutory powers and all such other powers granted by law or ordinance as have been heretofore respectively vested in them. (§ 179, added by P. L. 1951, c. 2723, § 1)

Sec. 5.17. Fire department—Creation; headed by commissioner of public safety.

There shall be a fire department, the head of which shall be the commissioner of public safety. (§ 180, added by P. L. 1951, c. 2723, § 1)

Sec. 5.18. Same—Effect of vacancy in office of commissioner of public safety.

In the event of a vacancy in the office of commissioner [of public safety], the mayor shall act as head of the fire department until a commissioner has been appointed. (§ 181, added by P. L. 1951, c. 2723, § 1)

Sec. 5.19. Same—Chief of fire department.

The commissioner [of public safety] shall appoint a chief of the fire department who shall be the chief executive officer of the department, subject to the direction of the commissioner, and who shall hold office at the pleasure of the commissioner. (§ 182, added by P. L. 1951, c. 2723, § 1)

Sec. 5.20. Same—Authority of commissioner.

The commissioner [of public safety] shall have authority to appoint, remove, organize and control the officers and men of the department and all other attaches of the fire department of the city as now or hereafter constituted. Said commissioner shall have authority to make all needful rules and regulations, for the efficiency, management and direction of the department not inconsistent with law. Said rules shall provide for the qualification, appointment, removal, organization, term of office, powers, duties, discipline and control of members of the fire department. (§ 183, added by P. L. 1951, c. 2723, § 1)

Sec. 5.21. Same—Functions and services of department.

The fire department shall continue to perform the functions and services relating to fire protection and fire prevention heretofore performed, and such other duties as may be required by law or ordinance. (§ 184, added by P. L. 1951, c. 2723, § 1)

Sec. 5.22. Removal of policemen and firemen.

Members of the paid police and fire departments of said city shall not be subject to removal from office except for cause shown and upon complaint and after full hearing. Before any action is taken against any such person for the purpose aforesaid, a complaint in writing shall be filed with the commissioner of public safety, which said complaint shall specify the specific charge or charges made against such person, with the details and circumstances of the time

and place of such charge with as much particularity as possible; upon the filing of such complaint, the commissioner of public safety shall investigate such charges, and if he shall judge them of such a nature as to warrant removal, if proved, then he shall fix a time for hearing thereon, which time shall be not less than seven (7) days after the filing of said complaint; said hearing shall be heard before a hearing board composed of the commissioner of public safety, the director of personnel and the probate judge of the City of Providence; upon filing of such complaint, and fixing of date of hearing, notice shall forthwith be given to said person of the time and place of said hearing, and said notice shall contain or have attached thereto a certified copy of said complaint. Said notice shall be served by any police officer of said City of Providence by leaving the same at his last and usual place of abode with some person living there; and at the time and place of hearing no action shall be taken upon said complaint, if said person is present in person or by attorney to answer the charges, except upon sworn testimony or affirmation of witnesses and after opportunity has been given to said person or his attorney to cross-examine witnesses and after opportunity to testify or produce witnesses in his defense. At any such hearing it shall be the right of any such person to be represented by counsel who may conduct his defense and act for him upon such hearing. If decision is not given at the conclusion of said hearing, a notice of said decision shall be given to said person postpaid and directed to him at the address of such person as the same appears upon the records of the police or fire department of said City of Providence, or, if said person was represented by counsel at said hearing, by mailing notice of such decision to said counsel postpaid and directed to said counsel at his post office address. Said hearing board in all cases of every nature before it is hereby authorized and empowered to summon witnesses by subpoena signed by any member thereof, and to compel such witnesses to attend and testify in like manner as in any court of law. (P. L. 1940, c. 832, § 67; P. L. 1951, c. 2723, § 16)

Amendment note—The 1951 amendment provided for a hearing board, outlined its makeup and gave it subpoena power.

Article III. Department of Public Works*

Sec. 5.23. Creation; head; appointment and term of director.

There shall be a department of public works, the head of which shall be the director of public works who shall be appointed by the mayor with the approval of the city council. On the first Monday in January of each odd numbered year, or as soon thereafter as may be, the mayor shall appoint a director of public works to serve for a term of two (2) years and until his successor is appointed and qualified. (P. L. 1940, c. 832, § 72; P. L. 1949, c. 2308, § 1)

Amendment note—Prior to the 1949 amendment, this section provided only for a director of public works, provided for his appointment and outlined his authority.

State law reference—Special act as to powers and duties of the former commissioner of public works, P.L. 1880, c. 815.

Sec. 5.24. Deputy director.

The director of public works may appoint, with the approval of the mayor, a deputy director of public works who may also be the head of one or more divisions or offices of the department, in the discretion of the director. (P. L. 1940, c. 832, § 73; P. L. 1949, c. 2308, § 1)

Amendment note—Prior to the 1949 amendment, § 73 pertained to the office of city engineer.

***Editor's note**—Section 4 of P.L. 1949, c. 2308, provides as follows: "Upon the passage of this act:

(a) The director of public works then in office shall be the head of the department of public works hereby established and shall continue in office until his successor is appointed and qualified, in accordance with the provisions of this act.

(b) Said director shall appoint the heads of the several divisions and other offices hereby created who shall hold office during the pleasure of the director, each of whom shall appoint, subject to the approval of the director, such subordinate officers and employees, within the appropriation therefor, as may be required;

(c) The head of the engineering office so appointed shall assume under the director of public works, the powers and duties formerly vested in the city engineer;

(d) The head of the public service division shall assume under the director of public works, the powers and duties formerly vested in the public service engineer, harbor master and port agent; but the appointees performing the services shall be designated respectively as public service engineer, harbor master and port agent;

(e) The head of the construction and maintenance division shall assume under the director of public works, the powers and duties formerly vested in the superintendent of public buildings, but the appointee performing the services shall be designated as superintendent of public buildings."

Sec. 5.25. Establishment of divisions.

Within the department of public works there shall be the several divisions and offices as herein established or such other divisions and offices as the city council may by ordinance provide. The director, with the approval of the mayor, may establish within each division such administrative subdivisions as the activities and operations of the department may require. (§ 148, added by P. L. 1949, c. 2308, § 3)

Editor's note—P.L. 1949, c. 2308, § 3, provided that this and the following nine sections be added as §§ 148 to 157 of the Charter. Because of the subject matter, these sections have been renumbered as §§ 5.25 to 5.34.

Sec. 5.26. Business management office.

The office of business management shall have and perform the functions and services relating to accounting, payrolls, licenses and permits, and street numbers. (§ 149, added by P. L. 1949, c. 2308, § 3)

Sec. 5.27. Engineering office.

The engineering office shall have and perform the functions and services of planning, engineering, testing, design, and other related services. (§ 150, added by P. L. 1949, c. 2308, § 3)

Sec. 5.28. Construction and maintenance division.

The construction and maintenance division shall have and perform the functions and services relating to:

(a) Construction, reconstruction and maintenance of highways and bridges;
(b) Snow removal;
(c) Sidewalks and curbing;
(d) Sewer construction and maintenance;
(e) Construction, maintenance and repair of public buildings;
(f) Forestry, including the setting out, care and removal of street trees, shrubs and other plants. (§ 151, added by P. L. 1949, c. 2308, § 3)

Sec. 5.29. Sanitation division.

The sanitation division shall have the functions and services of:

(a) Street cleaning;

(b) Sewage pumping and disposal;

(c) Garbage and refuse collection and disposal; including the maintenance and operation of incinerators and dumps. (§ 152, added by P. L. 1949, c. 2308, § 3)

Sec. 5.30. Public service division.

The public service division shall have and perform the functions and services relating to:

(a) Street lighting;

(b) Electrical inspection;

(c) Air pollution and smoke abatement;

(d) Operation of the municipal dock;

(e) Operation of drawbridges and other movable bridges;

(f) Regulation of vessels within the harbor of the city. (§ 153, added by P. L. 1949, c. 2308, § 3)

Editor's note—The functions and services relating to air pollution and smoke abatement are now part of the building code, adopted December 21, 1956. Said building code has not been included in this publication, but is filed in the office of the city clerk.

Sec. 5.31. Continuance of powers of director of public works.

Subject to the other provisions of this charter, and except as otherwise provided therein, the director of public works shall have and exercise all the powers and duties now vested in the office of director of public works, and said director shall continue to have and exercise all the powers and authority heretofore conferred upon his office by the several acts of the General Assembly and the ordinances, laws and resolutions of the City of Providence; but the powers and duties of the office may be amended or added to from time to time

by law, resolution or ordinance, as the city council of the City of Providence may determine. (§ 154, added by P. L. 1949, c. 2308, § 3)

Sec. 5.32. Performance of powers, duties by subordinate officers.

The director of public works and the head of any division or office, subject to the approval of the director, may designate or appoint a subordinate officer or officers to exercise or perform any of his powers or duties, subject to the supervision and direction of the officer by whom such designation or appointment is made. (§ 155, added by P. L. 1949, c. 2308, § 3)

Sec. 5.33. Authority to provide for operation of department by ordinance; preservation of present ordinances.

The city council may provide by ordinance for the administration, exercise and performance by the department of public works of any of the several functions which by this act are included within the jurisdiction of said department. All ordinances now in force which relate to said department or to the functions thereof shall continue in force until amended or repealed except to the extent that said ordinances may be inconsistent with this Act, [article] in which case they shall be so construed as to give effect to the provisions hereof. (§ 156, added by P. L. 1949, c. 2308, § 3)

Sec. 5.34. Mayor to determine who shall perform duties not expressly provided.

If any question shall arise as to the respective powers, duties or functions of any officer or division of the department of public works which are not expressly provided by law or ordinance, the mayor shall determine the officer or division by which such powers, duties or functions are to be performed. (§ 157, added by P. L. 1949, c. 2308, § 3)

Article IV. Bureau of Licenses*

Sec. 5.35. Creation; powers and duties generally.

There shall be a bureau of licenses which shall have and exercise such powers and duties relating to licenses as may be prescribed by law or ordinance. (§ 159, added by P. L. 1951, c. 2721, § 1)

Sec. 5.36. Composition; appointment; term.

The bureau of licenses shall consist of three (3) members to be appointed by the mayor with the approval of the city council, not more than two (2) of whom shall be of the same political party. Appointments shall be made on the first Monday in January, 1955, or as soon thereafter as possible, and biennially thereafter. Members shall hold office until their successors are elected and qualified.

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*Editor's note—Sections 2 through 5 of the Act comprising this article read as follows:

"Sec. 2. All applications for licenses and for transfers of licenses, remonstrances against the same, and all other business pending before the bureau of police and fire as a board of license commissioners, or the successor to said bureau on the date of establishment of the bureau of licenses hereby created, shall be transmitted and continued to said bureau of licenses for adjudication and determination.

"Sec. 3. The assignment and transfer of the functions, powers and duties of any board, department or agency to another department or agency shall not affect any action or proceeding, civil or criminal, but the same may be prosecuted or defended in the name of the city and the new department or agency shall be substituted as a party by operation of this section without motion or order.

"Sec. 4. In section 4 of Chapter 164 of the General Laws of 1938, entitled 'Division of Intoxicating Beverages'; section 2 of Chapter 362 of the General Laws of 1938, entitled 'Licensing and Regulation of Shows and Exhibitions' as amended by Public Laws, Chapters 894, (1940); 1131 (1941); 1286 (1943); 1691 (1946); 1692 (1946); 1999 (1948); 2125 (1948); section 4 of Chapter 363 of the General Laws, 1938, entitled 'Licensing and Regulation of Bowling Alleys', etc.; section 1 of Chapter 403 of the General Laws, 1938, entitled 'Licensing and Regulation of Certain Activities on Sunday', as amended by Chapter 1451 of the Public Laws, 1944; or in any other general or special law, rule, regulation, resolution, order or ordinance heretofore or hereafter enacted relating to the functions, powers, duties or other matters herein vested in the bureau of licenses, the phrases 'bureau of police and fire', 'board of public safety', 'board of police commissioners', or any other similar phrase shall be deemed to mean the bureau of licenses as created by this act.

"Sec. 5. As soon as may be after the passage of this act the mayor shall appoint a bureau of licenses as herein provided, and thereupon said bureau shall automatically assume its powers and duties."

Members of the bureau of licenses, excepting the commissioner of public safety, ex officio, heretofore appointed to said bureau, shall continue in office until the expiration of their respective terms of office. As soon as possible after passage of this Act [article], the mayor shall appoint with the approval of the city council, a member of said bureau in the place and stead of the commissioner of public safety; and upon the appointment and qualification of such member, the commissioner of public safety shall cease to be a member of the bureau. (§ 160, added by P. L. 1951, c. 2721, § 1; P. L. 1954, c. 3339, § 1)

Sec. 5.37. Chairman and secretary; designation, compensation.

One member of said bureau shall be designated by the mayor as chairman and secretary thereof. The person designated as chairman and secretary shall be the executive officer of the bureau and shall be responsible for the issuance of all licenses granted by the bureau in accordance with law and ordinance. The members of said bureau shall receive such compensation as shall be fixed by the city council. (§ 161, added by P. L. 1951, c. 2721, § 1; P. L. 1955, c. 3339, § 1)

Sec. 5.38. Powers enumerated.

In the discharge of its duties, the bureau of licenses shall have the following powers:

(a) Members of the bureau are hereby severally authorized to administer oaths;

(b) The bureau, in all cases of every nature pending before it, is hereby authorized and empowered to summon witnesses by subpoena signed by any member and to compel such witnesses to attend and testify in like manner as in either the supreme or superior court;

(c) The bureau is authorized to compel the production of all papers, books, documents, records, certificates or other legal evidence that may be necessary or proper for the determination and decision of any question or

for the discharge of any duty required by law of said bureau, by issuing a subpoena duces tecum signed by any member;

(d) Every person disobeying any such writ shall be considered as in contempt and said bureau may punish any contempt of its authority in like manner as contempt may be punished in either the supreme or superior court;

(e) Any person who shall wilfully swear falsely to any material matter in any proceeding, matter, or hearing before said bureau shall be guilty of the crime of perjury. (§ 162, added by P. L. 1951, c. 2721, § 1)

Sec. 5.39. License fees and charges set by city council.

The city council shall have power to establish a system of fees and charges for the granting or issuance of any license or permit and to modify the same from time to time, except in such cases where specific fees are otherwise provided by law. (§ 163, added by P. L. 1951, c. 2721, § 1)

Sec. 5.40. Duration of licenses, payment of charges therefor.

The city council may prescribe the term or the duration of each license or class of licenses, except as otherwise provided by law, and may provide for the payment or collection of fees and charges on an annual, quarterly, or some other basis. All fees for such licenses shall be paid to the city collector. (§ 164, added by P. L. 1951, c. 2721, § 1)

Sec. 5.41. Issuance or granting of licenses.

Licenses issued shall be subject to such terms and conditions as may be prescribed by law or ordinance or regulation of the bureau of licenses, but no license shall be granted for the sale of alcoholic beverages except as provided by the laws of the state. (§ 165, added by P. L. 1951, c. 2721, § 1)

Sec. 5.42. Investigation of applicants for licenses.

The bureau of licenses shall require an inspection, investigation and report by the police department on the application

for any license and of the person making such application in all cases in which the police department has an interest or concern therein. Such bureau, in the same or other cases, may require a similar inspection, investigation and report to be made by said department or by any other officer, department or agency of the city. (§ 166, added by P. L. 1951, c. 2721, § 1)

Sec. 5.43. Information concerning licensees.

The police department shall notify the bureau of licenses of the violation of the terms of any license and shall furnish to said bureau any information concerning a person holding any such license which relates to the fitness of such person to be licensed. Similar information shall be furnished to the bureau of licenses by any other officer, department or agency of the city as to matters within his or its jurisdiction. (§ 167, added by P. L. 1951, c. 2721, § 1)

Sec. 5.44. Suspension, revocation, etc., of licenses.

Unless otherwise provided by law, any license issued by the bureau of licenses may be suspended, annulled, rescinded, cancelled or revoked by the bureau of licenses for any reason which the bureau may deem to be in the public interest; provided, however, that no license shall be suspended for more than seventy-two (72) hours or annulled, rescinded, cancelled or revoked unless the licensee shall have been given at least three (3) days' written notice of the action proposed to be taken and of the grounds therefor and the time and place of hearing. The said licensee shall also be notified of his right to be represented at said hearing by counsel of his own choice. (§ 168, added by P. L. 1951, c. 2721, § 1)

Sec. 5.45. Issuance of licenses formerly issued by bureau of police and fire.

The bureau of licenses shall have authority for the issuance of any license which the bureau of police and fire is now authorized to issue, except as otherwise provided by this chapter. (§ 169, added by P. L. 1951, c. 2721, § 1)

Editor's note—The bureau of police and fire has been replaced by the commissioner of public safety (see § 5.8 et seq.).

Sec. 5.46. Powers of council not affected.

Nothing in this chapter shall be deemed or construed to limit or revoke the power heretofore vested in the city council by clauses 1 and 2 of section 9 of Chapter 598 of the Public Laws, 1866, being the "Providence Charter Act of 1866" to make ordinances and regulations relative to any licenses, matters or things. (§ 170, added by P. L. 1951, c. 2721, § 1)

Sec. 5.47. Effect of laws concerning licenses on bureau.

In any law of general application authorizing the issuance of a license in any city or town by a board of police commissioners, such license shall be issued in the City of Providence by the bureau of licenses, except:

(a) As otherwise provided by this chapter [article];

(b) As provided by Chapter 404 of the General Laws of 1938 relating to firearms;

(c) As provided by Chapter 2009 of the Public Laws of 1948 entitled "An Act Relative to the Licensing, Control and Regulation of Victualling Houses and Certain Other Places in the City of Providence." (§ 171, added by P. L. 1951, c. 2721, § 1)

Article V. Board of Contract and Supply

Sec. 5.48. Establishment; membership.

There shall be a board of contract and supply. On the first Monday of January, 1941, or as soon thereafter as may be, and biennially thereafter on the first day of January, or as soon thereafter as may be, the members of the council who are adherents of a political party or parties other than that of the mayor shall elect from their own number one member of said board to serve for a term of two (2) years; and the other members of the board shall be the following members of the city government who shall hold office thereon ex officio, namely the mayor, the president of the council, the finance director, city controller, the chairman of the committee on city property, the director of public works, the

commissioner of public safety, the city treasurer, the purchasing agent and the chairman of the water supply board. The city assessor shall likewise be ex officio, a member of said board for such purposes as may be declared by ordinance. Any vacancy that may occur in the office of said elective member shall be filled by the election by the members of the council who are adherents of a political party or parties different from that of the mayor of one of their number to fill such office for the remainder of the term. The mayor shall be chairman of said board, and in his absence the president of the council. The city clerk, or in his absence one of his deputies, shall act as clerk of said board. Failure to elect such elective member shall in no case prevent said board from acting. (P. L. 1940, c. 832, § 85; P. L. 1948, c. 2068, § 1; P. L. 1951, c. 2723, § 3)

Amendment note—P.L. 1948, c. 2068, § 1, removed "city auditor" from the designation of ex officio members of the board, and added "finance director" and "city controller" therein; it also rewrote the third sentence, substituting "city assessor" for "chairman of the board of tax assessors." P.L. 1951, c. 2723, § 3, substituted "commissioner of public safety" for "chairman of the bureau of fire and police." Previously, § 85 had been amended by P.L. 1943, c. 1285, which chapter was repealed by P.L. 1945, c. 1665, § 39, part of the Finance Act, set out in § 6.1 et seq.

Sec. 5.49. Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the board of contract and supply shall have and exercise all powers and duties vested in said board upon the date of the adoption of this charter, and such other and different powers and duties as may thereafter be vested in said board by ordinance adopted in exercise of the powers vested in the council by this charter or by Chapter 469 of the Public Laws of 1909, and all acts in amendment thereof, and in addition thereto, and by all other general or special laws relating to the subject of contracts and purchases by the city; provided however, that the City of Providence shall have and retain full power by ordinance to amend or repeal any and all of said ordinances in effect upon the date of the adoption of this charter, except that the council shall be without power, by ordinance or otherwise, to alter the terms of the next preceding section [5.48] of this charter, or to enlarge or decrease the membership of

said board or to change in any way the qualifications set forth in said section either for membership thereon or for being an officer thereof. (P. L. 1940, c. 832, § 86)

Article VI. Board of Park Commissioners

Sec. 5.50. Establishment; membership.

There shall be a board of park commissioners. The members of the park commission presently in office shall continue in office until the expiration of their respective terms of office. Annually, on the first Monday in May, or as soon thereafter as may be, the mayor shall appoint, subject to the approval of the council, one member of said board to succeed the member whose term will next expire and to hold office for a term of three (3) years. Any vacancy occurring in the membership of said board shall be filled in accordance with the provisions of section 47 [4.1] hereof. (P. L. 1940, c. 832, § 115)

Sec. 5.51. Election of chairman.

Annually at its first meeting following the qualification of the member appointed in that year to said board [of park commissioners], or whenever there shall be a vacancy in the chairmanship of said board, the members thereof shall elect one of their own number as chairman of said board. In case an occasion for the election of a chairman shall arise and such chairman shall not be elected within one week after such occasion shall arise, the mayor may appoint a member of said board to be its acting chairman until a chairman shall be elected by said commission. (P. L. 1940, c. 832, § 116)

Sec. 5.52. Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the powers and duties of said board of park commissioners shall be as follows:

(a) *Abolition of commissioners of North Burial Ground.* Said board shall have and exercise all powers and

duties now vested in offices of the commissioners of the North Burial Ground, which said offices are hereby abolished;

(b) *General powers and duties.* [Said board shall] have and exercise all powers and duties now vested in the board of park commissioners, and all such powers and duties as may be hereafter vested in the board of park commissioners by law, resolution or ordinance. (P. L. 1940, c. 832, § 117; P. L. 1947, c. 1856, § 10)

Amendment note—P.L. 1947, c. 1856, § 10, repealed subsection (b) of § 117 of the charter, set out above, which provided that the board of park commissioners have the duties vested in the board of recreation. Subsection (c) of said § 117 was redesignated (b) to maintain sequence and format.

State law reference—Special act establishing department of recreation for the city, P.L. 1947, c. 1856.

Article VII. Water Supply Board

Sec. 5.53. Establishment; membership.

There shall be a water supply board, which shall consist of the city treasurer, ex officio, and four (4) other members appointed by the mayor subject to the approval of the council. The mayor, as soon as may be after his election and qualification shall appoint, subject to the approval of the council, four (4) members of said board, one each for terms of one, two, three and four years respectively, from the first Monday in January, 1941; and annually thereafter on the first Monday in January, or as soon thereafter as may be, the mayor shall appoint, subject to the approval of the council, one member to said board for a term of four years. Any vacancy occurring in the membership of said board shall be filled in accordance with the provisions of section 47 [4.1] hereof. The ex officio member shall receive no further compensation for services on said board, but each appointive member of said board shall receive, in lieu of a salary, the sum of fifteen dollars ($15.00) for each meeting held by the board except the chairman who shall receive twenty dollars ($20.00) for each meeting, but not to exceed the sum of twelve hundred dollars ($1,200.00) per annum for any one member, except the chairman who may receive not to exceed fifteen hundred

dollars ($1,500.00) per annum. Upon the qualification for or acceptance of any state or federal office to which compensation is attached, by any member of the board, the office of such member on said board shall immediately become vacant. Except for the ex officio member of said board, the members shall hold no other municipal office during their incumbency as members of said board. (P. L. 1940, c. 832, § 121; P. L. 1942, c. 1243, § 1; P. L. 1949, c. 2247, § 1)

Amendment note—Prior to amendment by P.L. 1949, c. 2247, § 1, compensation of appointive members was fixed at $10.00 for each day's attendance at meetings of the board.

Sec. 5.54. Election of chairman.

The members of the water supply board, as soon as may be after their appointment and qualification shall elect one of their appointive members as chairman of said board. Annually at its first meeting following the qualification of the member appointed in that year to said board, and whenever there shall be a vacancy in the chairmanship of said board, the members thereof shall elect one of their appointive members as chairman of said board. In case an occasion for the election of a chairman shall arise and such chairman shall not be elected within one week after such occasion shall arise, the mayor may appoint an appointive member of said board to be its acting chairman until a chairman shall be elected by said board. (P. L. 1940, c. 832, § 122)

Sec. 5.55. Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the water supply board shall:

(a) *Public drinking fountains.* Have complete supervision, management and control of all public drinking fountains in said city, and of the care, maintenance, repair, improvement and extension of the same; provided, however, that it shall be the duty of the department of health to make periodic inspections of the same and to issue such rules and regulations as said department of health shall deem necessary to insure that said public drinking fountains shall conform to the necessities of public health and safety, and it shall be the

duty of said water supply board to execute the rules and regulations of the department of health in that regard; and

(b) *Supervision, management, control of water collection, storage, purification, distribution; legal advisor; salaries of officers and employees.* Have and exercise all powers and duties with respect solely to the supervision, management and control of the water collection, storage, purification, and distribution system of the city, and the activities thereof and all other powers heretofore vested in the office of the director of public works pertaining to the water supply system of the City of Providence, and all powers and duties pertaining to the water supply system of said city that may hereafter be vested in said water supply board by law, resolution or ordinance. The water supply board shall appoint a legal advisor, subject to the approval of his honor the mayor, to hold office during the pleasure of said board, for the purpose of advising said water supply board upon all questions involving its official actions and the business of the water department, but said legal advisor shall be subordinate to the city solicitor and in all litigation to which the City of Providence may be a party, said legal advisor shall act under the direction of the city solicitor. The water supply board shall have full power, subject to the approval of the mayor, to fix and determine the salaries and wages of all officers and employees of said city employed under the supervision of said water supply board. (P. L. 1940, c. 832, § 125; P. L. 1942, c. 1243, § 2)

Sec. 5.56. Election of chief engineer.

The water supply board, as soon as may be after the appointment and qualification of its members, shall elect a "chief engineer" and may contract for his services for a period of not more than four (4) years, such contract to permit said water supply board to remove said chief engineer

in the manner hereinafter provided. Said contract may require that said chief engineer shall give bond for the faithful performance of his duties with such surety and in such amount as said board may deem necessary. All bonds required to be furnished by the provisions of this section shall be deposited with the city treasurer. No person shall be eligible to election to the office of such chief engineer unless he shall be a recognized civil or mechanical engineer of at least five (5) years' experience as such; provided, however, that general provision for such contract shall be established by ordinance. (P. L. 1940, c. 832, § 123)

Sec. 5.57. Removal of chief engineer.

The [water supply] board shall have full power of its own motion, to remove from office, but only for official misconduct, or failure to perform his duties, the chief engineer of said water supply board, after full public hearing after giving notice to said officer in writing specifying the specific charge or charges for which said removal is sought, and the time and place fixed for hearing thereon. Said notice shall be served on said officer at least ten (10) days before the date of hearing on said charges and by such officer and in such manner as is provided by law for the service of writs, and the officer serving the same shall endorse his return of service on the original of said notice and return the same to said board, which return shall have the same force and effect as the officer's return duly made on a writ in an action of law. At any such hearing no action shall be taken upon said charges if said officer is present in person or by attorney to answer the charges, except upon sworn testimony or affirmation of witnesses and after opportunity has been given to said officer or his attorney to cross-examine witnesses and after opportunity to testify or produce witnesses in his defense. At any such hearing it shall be the right of any officer to be represented by counsel who may conduct his defense and act for him upon such hearing. If decision is not given at the conclusion of said hearing, a notice of said decision shall be given to said officer by mailing a notice of such decision to said officer postpaid and directed to him

at the address of such officer as the same appears upon the records of said water supply board, or, if said officer was represented by counsel at said hearing by mailing notice of such decision to said counsel postpaid and directed to said counsel at his post office address. If upon the conclusion of any such hearing the water supply board decides, by the affirmative vote of a majority of all its members, to remove said officer, said office shall immediately upon the rendering of such decision become vacant and said water supply board shall, as soon as may be, appoint a successor in the place and stead of such chief engineer, subject to the qualifications herein required. Service of such notice of charges shall operate as a suspension of such chief engineer from his office until the making of the above required decision. (P. L. 1940, c. 832, § 124)

Sec. 5.58. Powers and duties of chief engineer.

The chief engineer shall perform the duties duly prescribed for him by said [water supply] board. (P. L. 1940, c. 832, § 126)

Article VIII. Retirement Board

Sec. 5.59. Establishment; membership.

There shall be a retirement board. The members of said board shall consist of the mayor, the chairman of the committee on finance of the council, and the city auditor [city controller],* ex officio, and two members who shall not be officers or employees of the city who shall be elected by the council. The elective members of the retirement board presently in office shall continue in office until the expiration of their respective terms. On the first Monday in January, 1941, or as soon thereafter as may be, and biennially thereafter on the first Monday in January, or as soon thereafter as may be, the council shall elect one member of said board

*Editor's note—Sec. 37 of P.L. 1945, c. 1665, the Finance Act, set out in § 6.1 et seq. of this publication, provides that the words "city auditor" as used in section 131, set out above, shall be construed to mean "city controller."

to succeed the elective member whose term will next expire, and to hold office for a term of four years. The ex officio members shall receive no further compensation for services on said board, and the other members of said board shall receive no compensation for services thereon. (P. L. 1940, c. 832, § 131)

Sec. 5.60. Powers and duties.

Subject to the other provisions of this charter, and except as otherwise therein provided, the retirement board shall have and exercise all powers and duties now vested in said board and all such powers and duties as may be hereafter vested in said board by law, resolution or ordinance. (P. L. 1940, c. 832, § 132)

Article IX. Board of Sinking Fund Commissioners*

Sec. 5.61. Establishment; membership.

There shall be a board of commissioners of sinking funds. The members of said board shall consist of the mayor, the chairman of the committee on finance of the council, and the city auditor [city controller],† ex officio, and three (3) members who shall not be officers or employees of the city who shall be elected by the council. The elective members of said board of commissioners of sinking funds presently in office shall continue in office until the expiration of their respective terms. On the first Monday in January 1941, or as soon thereafter as may be, and annually thereafter on the first Monday in January, or as soon thereafter as may be, the council shall elect one member of said board to succeed the elective member whose term will next expire, and to hold office for a term of three (3) years. The ex officio members shall receive no further compensation for services on said

*State law reference—Special act defining powers and duties of sinking fund commissioners, P.L. 1944, c. 1433.

†Editor's note—Sec. 37 of P.L. 1945, c. 1665, the Finance Act, set out in § 6.1 et seq. of this publication, provides that the words "city auditor" as used in section 137, set out above, shall be construed to mean "city controller."

board, and the other members of said board shall receive no compensation for services thereon. (P. L. 1940, c. 832, § 137)

Sec. 5.62. Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the board of commissioners of sinking funds shall have and exercise all powers and duties now vested in said board and all such powers and duties as may be hereafter vested in said board by law, resolution or ordinance, and shall be subject to all the liabilities now and by law imposed upon the trustees of the several sinking funds established by the City of Providence, provided, however, that the membership and terms of office of the members of said board, and all powers and duties vested in the same by this charter shall continue hereafter to be subject to amendment, alteration or repeal by ordinance. (P. L. 1940, c. 832, § 137)

Article X. Board of Canvassers and Registration*

Sec. 5.63. Establishment; membership.

There shall be a board of canvassers and registration of three (3) members, not more than two (2) of whom shall be adherents of the same political party. The members of the board of canvassers and registration presently in office shall continue in office until the expiration of their respective terms of office. The mayor shall, on or before the date of the first regular meeting of the council in February, 1941, and on or before said date in 1943, and annually thereafter, appoint, subject to the approval of the council, one member of said board of canvassers and registration to succeed the member whose term next expires and to serve for a term of three (3) years from the first Monday in March of said year; provided, however, that any such appointment of a person who is an adherent of a political party other than that of

*Code reference—Elections, § 2-296 et seq.

the mayor making such appointment shall not be submitted to the council for approval until the mayor shall first obtain the written approval of such appointment as follows: The mayor shall submit the name of such person to the chairman of the city committee for the City of Providence of the political party which cast for its candidate for mayor at the election of city officers of said city in which the mayor submitting such name was last elected, the second largest number of votes for the office of mayor. If said chairman shall disapprove the name submitted to him, the mayor shall submit another name, and so on in like manner until such approval is obtained; provided, however, that if no disapproval is made within five (5) days from the submission of a name by the mayor, the name of the person to be appointed shall be deemed to have been approved by such chairman. (P. L. 1940, c. 832, § 118)

Sec. 5.64. Election of chairman.

Annually at its first meeting following the qualification of the member appointed in that year to said board, and whenever there shall be a vacancy in the chairmanship of said board, the members thereof shall elect one of their members as chairman of said board. In case an occasion for the election of a chairman shall arise and such chairman shall not be elected within one week after such occasion shall arise, the mayor may appoint a member of said board to be its acting chairman until a chairman shall be elected by said board. (P. L. 1940, c. 832, § 119)

Sec. 5.65. Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the board of canvassers and registration shall have and exercise all powers and duties now vested in said board, and all other powers and duties that may hereafter be vested in said board by law, resolution or ordinance. (P. L. 1940, c. 832, § 120)

Article XI. Board of Hospital Commissioners

Sec. 5.66. Establishment; membership.

There shall be a board of hospital commissioners of the City of Providence which shall consist of the mayor and the superintendent of health of said city, ex officio, and three (3) other members, appointed by the mayor subject to the approval of the council. The members of said board now serving shall continue to serve for the terms for which they were severally elected and until their successors are appointed and qualified, and on the first Monday in January, A.D. 1941, or as soon as may be thereafter, and annually on the first Monday in January thereafter, or as soon as may be thereafter, the mayor shall appoint, subject to the approval of the council, one member of said board to succeed the member of said board whose term will next expire and to hold office for a term of three (3) years. Any vacancy which may occur among the elective or appointive members of said board for any reason whatsoever shall be filled in accordance with the provisions of section 47 [4.1] hereof. The ex officio members shall receive no further compensation for service thereon and no other member shall receive compensation for his service thereon. The mayor shall be chairman of said board; and said board shall elect annually one of its members as secretary, who shall keep a record of all its proceedings. (P. L. 1940, c. 832, § 111)

Sec. 5.67. Powers and duties.

Subject to the other provisions of this charter, and except as otherwise provided therein, the board of hospital commissioners shall have and exercise all powers and duties now vested in said board and all such powers and duties as may be hereafter vested in said board by law, resolution or ordinance. (P. L. 1940, c. 832, § 112)

State law reference—Special act as to powers and duties of hospital commissioners, P.L. 1909, c. 467.

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Chapter 6

FINANCES*

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*Cross reference—Powers of city, § 2.1 et seq.

State law references—Maximum aggregate indebtedness of city, § 45-12-2, Gen. Laws 1956; statement to accompany bill to general assembly to authorize indebtedness, § 45-12-3, Gen. Laws 1956; borrowing in anticipation of taxes, § 45-12-4, Gen. Laws 1956; sale by city of evidences of indebtedness, § 45-12-5, Gen. Laws 1956; establishment of general sinking fund, § 45-12-8, Gen. Laws 1956; retirement of bonds in sinking fund, § 45-12-9, Gen. Laws 1956; excess assessments for debt retirement, § 45-12-11, Gen. Laws 1956; issuance of duplicate bonds, §§ 45-12-12—45-12-14, Gen. Laws 1956; redevelopment financing, § 45-33-1 et seq., Gen. Laws 1956.

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Sec. 6.1. Title of chapter.

This Act [chapter] shall be known and may be cited as the "Providence Finance Act of 1945." (P. L. 1945, c. 1665 § 1)

Sec. 6.2. Creation of finance department; appointment, term, qualifications of finance director.

There shall be in the City of Providence a finance department. The head of the finance department shall be the finance director who shall be appointed by the mayor, subject to the approval of the city council and who shall hold office at the pleasure of the mayor. The finance director shall have knowledge of and preferably some experience in governmental fiscal management. (P. L. 1945, c. 1665, § 2)

Sec. 6.3. General powers and duties of finance director.

The finance director shall have charge of the administration of the financial affairs of the city as provided in this Act [chapter], and to that end he shall have the authority and shall be required to supervise and be responsible generally and specifically:

(a) *Equipment and supplies.* For purchasing, storing and disposing of all equipment and supplies;

(b) *Assessing, collecting and disbursing money.* For assessing, collecting and authorizing the disbursement of all moneys due or belonging to the city;

(c) *Preparing and administering budget.* For preparing and administering the annual budget;

(d) *Employment of personnel.* For administering and executing such responsibilities relating to the employment of personnel as may be prescribed by ordinance;

(e) *Accounting and reporting transactions.* For accounting and reporting of all financial transactions. (P. L. 1945, c. 1665, § 3)

Sec. 6.4. Purchasing division; appointment, duties, etc., of purchasing agent.

There shall be established in the finance department a purchasing division. The head of the purchasing division shall be known and designated as the city purchasing agent. The city purchasing agent shall be appointed by the finance director and pursuant to rules and regulations prescribed by ordinance shall exercise the powers and duties of the department and director relative to purchasing. The city purchasing agent shall have authority:

(a) *Purchase of supplies, equipment and services.* To make all purchases of supplies, materials, equipment and contractual services for all departments, boards, commissions, bureaus and other agencies of the city government; provided, however, that in case of contracts and purchases required by law to be made by the board of contract and supply, he shall act as agent for said board as said board shall direct;

(b) *Selling supplies, materials and equipment.* To sell all supplies, materials and equipment not needed for public use or that may have become unsuitable for use, but only after authorization by the board of contract and supply;

(c) *Transfer of supplies, materials or equipment.* To transfer to or between city departments, boards, bureaus, commissions or other agencies any supplies, materials or equipment which are certified as surplus, obsolete or unused by the department, board, commission, bureau or other agency of the city in possession of the same;

(d) *Control of central storerooms.* To exercise control of all central storerooms now or hereafter operated by the city government;

(e) *Establishing and enforcing standard specifications.* To enforce such standard specifications as may be established by the board of contract and supply for all supplies, materials and equipment purchased for the use of any department, board, bureau, commission or other agency of the city government, where the cost or purchase price exceeds five hundred dollars ($500.00); to establish and enforce standard specifications which will apply to all supplies, materials and equipment purchased for the use of any department, board, bureau, commission or other agency of the city government where the cost or purchase price does not exceed five hundred dollars ($500.00);

(f) *Municipal garage.* To supervise and control the municipal garage and its operation;

(g) *City printing and duplicating plant.* To supervise and control the use and operation of the city printing and duplicating plant or equipment located within the city hall;

(h) *Inventory of movable equipment.* [To] make and keep current an inventory of all movable equipment on property belonging to the city. (P. L. 1945, c. 1665, § 4)

Sec. 6.5. Written requisitions for purchases and contracts; certification of credit; bids.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department or other agency whose appropriation is to be charged; and no purchase order shall be issued or contract executed, nor shall any other agreement purporting to obligate the city be entered into unless and until the controller certifies that there is to the credit of the department, board, commission, bureau or other city agency concerned therewith a sufficient appropriation balance in

excess of all unpaid obligations, to defray the cost of such supplies, materials, equipment or contractual services; and unless and until the budget director certifies that the purchase is consistent with policies established in the budget.

Competitive bids shall be obtained where practicable for all purchases and for all public improvements not made by city departments or agencies. Contracts shall be awarded to the lowest responsible bidder except in cases where it is clearly to the advantage of the city to award the contract to some other bidder. Sealed bids shall be required in all transactions amounting to or in excess of five hundred dollars ($500.00).

Such bids shall be secured through public advertisement, shall be submitted to the city clerk and shall be publicly opened by the purchasing agent. (P. L. 1945, c. 1665, § 5)

Sec. 6.6. Power of council as to purchasing function.

The city council is hereby authorized by ordinance to make rules and regulations relating to the conduct of the purchasing function, including the following:

(a) *Prescribing manner of purchase, delivery, storage and distribution.* To prescribe the manner in which supplies, materials, and equipment shall be purchased, delivered, stored, and distributed;

(b) *Requisitions and estimates.* To prescribe the dates for making requisitions and estimates, the future period which they are to cover, the form in which they shall be submitted, and the manner of their authentication;

(c) *Inspections and tests.* To prescribe the manner of inspecting all deliveries and supplies, materials and equipment, and of making chemical and physical tests of samples submitted with bids and samples delivered in order to determine compliance with specification;

(d) *Reports as to stocks and supplies.* To require monthly reports by departments, boards, bureaus, commissions and other agencies of the city of stocks and supplies, materials and equipment on hand, and to prescribe the form of such reports;

(e) *Transfers as to supplies, materials and equipment.* To provide for the transfer to or between departments, boards, bureaus, commissions and other agencies of supplies, materials and equipment which are surplus with one department, board, bureau, commission or other agency, but which may be needed by another or by others, and for the disposal by sale, after receipt of competitive bids, of supplies, materials and equipment which are obsolete or unusable;

(f) *Manner of examinations, approval and payment.* To prescribe the manner in which claims for supplies, materials, equipment and contractual services, delivered or rendered to any and all departments, boards, bureaus, commissions and other agencies of the city shall be submitted, examined, approved and paid. (P. L. 1945, c. 1665, § 6)

Sec. 6.7. Purchases and contracts contrary to charter are void; liability for cost.

Whenever any department, board, bureau, commission or other agency of the city government shall purchase or contract for any supplies, materials or equipment, contrary to the provisions of this Act [chapter] or the rules or regulations made hereunder, such order or contract shall be void and of no effect. The head of such department, board, bureau, commission or other agency shall be personally liable for the cost of such order or contract and, if already paid for out of city funds, the amount thereof may be recovered from such head in the name of the city in an appropriate action instituted therefor. (P. L. 1945, c. 1665, § 7)

Sec. 6.8. Assessment and collection divisions established.

Within the finance department there shall be an assessment division and a collection division. (P. L. 1945, c. 1665, § 8; P. L. 1951, c. 2722, § 1)

Amendment note—P.L. 1951, c. 2722, § 1, amended § 8 of P.L. 1945, c. 1665, set out above, by eliminating the revenue division and the revenue administrator.

Sec. 6.9. Appointment, powers, duties of city assessor.

The head of the assessment division shall be the city assessor who shall be appointed by the finance director subject to the approval of the city council. The city assessor shall exercise and perform the powers and duties now or heretofore vested in the board of tax assessors and the chairman thereof. (P. L. 1945, c. 1665, § 9; P. L. 1951, c. 2722, § 1)

Amendment note—P.L. 1951, c. 2722, § 1, amended § 9 of P.L. 1945, c. 1665, set out above, by providing for appointment of the city assessor by the finance director, instead of by the revenue administrator, subject to council approval.

Sec. 6.10. Delivery of applications and permits to city assessor.

It shall be the duty of any person or persons authorized to issue applications for building, electrical and plumbing permits to deliver to the city assessor a copy of all such applications and permits monthly or more frequently if so requested by the tax assessor. (P. L. 1945, c. 1665, § 10)

Sec. 6.11. Board of tax assessment review—Composition; terms of office, vacancies.

There shall be a board of tax assessment review consisting of three (3) members who shall be appointed by the mayor, with the approval of the city council, for terms of three (3) years, no more than two (2) of whom shall be members of the same political party.

Within ninety (90) days after this Act [chapter] shall take effect the mayor shall appoint, subject to the approval of the city council, one (1) member of said board to hold office until the first Monday in January, A.D. 1946 and until his successor is appointed and qualified; one (1) member thereof to hold office until the first Monday in January, A.D. 1947 and until his successor is appointed and qualified; and one (1) member to hold office until the first Monday in January, A.D. 1948 and until his successor is appointed and qualified. On the first Monday in January of the year A.D. 1946 and on the first Monday in January of every year thereafter the mayor shall appoint, subject to approval of the council,

one (1) member of said board to succeed the member whose term will next expire, and to hold office for the term of three (3) years and until his successor is appointed and qualified. Any vacancy which may occur in the membership of said board, for any reason whatsoever, shall be filled by the mayor, subject to approval of the city council. (P. L. 1945, c. 1665, § 11)

Sec. 6.12. Same—Powers and duties as to appeals.

The board of tax assessment and review shall receive and consider appeals from property owners regarding the amounts of assessments as determined by the city assessor; provided, however, such appeals are filed with it within thirty (30) days of the last date appointed for payment without penalty of such tax, or the first installment thereof, if such tax be payable in installments; and provided further, that in case such property owner has not filed an account of all the ratable personal estate owned or possessed by him, within the time prescribed by law, he shall not have the benefit of any appeal regarding the assessment on his ratable personal estate unless the tax assessed on said personal estate is illegal in whole or part; and said appeal shall be limited to a review of the assessment on real estate or to relief with respect to such illegal tax, as the case may be. Said board shall have authority to adopt rules and regulations as to the procedure in presenting, considering and disposing of appeals and may hold hearings, administer oaths and receive testimony and exhibits. It shall have the power to change any assessment so appealed and reviewed, but only after the city assessor has been given an opportunity to appear before it or otherwise present his case; provided however, that this provision shall in no way alter legal requirements existing on the effective date of this Act [chapter] relative to city council review of abatements. Hearings of the board of tax assessment review shall be open to the public. Nothing herein contained shall be construed in any way to limit or extend the right of a taxpayer to apply to the superior court in accordance with the provisions of Chapter 31 of the General Laws, as amended, or any other law thereto appertaining, and all amendments and additions to such law or

laws for relief from the assessment as originally made by the city assessor. (P. L. 1945, c. 1665, § 12; P. L. 1950, c. 2558, § 1; P. L. 1951, c. 2849, § 1)

Amendment note—The 1950 and 1951 amendments to the above section reduced the time for filing appeals from 60 to 30 days, and added the proviso requiring the property owner to file account of ratable personal estate owned or possessed by him within time prescribed by law.

Sec. 6.13. Same—Qualifications, compensation of members; organization.

The members of said board [of tax assessment and review] shall be selected upon the basis of their knowledge of the subject of property taxation and real estate values and shall at the time of their appointment have been residents of the city for at least five (5) years immediately preceding and shall continue as residents during their terms of office. If a member of such board shall cease to be a resident, his office shall thereby become vacant. No member of said board shall hold any other public office except that of notary public or member of the national guard or naval or military reserve. A majority of the members of said board shall constitute a quorum. The members of said board at their first meeting shall elect one of their number as chairman and thereafter shall elect a chairman upon the appointment of any new member for a full term and whenever the office may become vacant. Any vacancy which may occur in said board shall be filled by appointment by the mayor, with the approval of the city council, for the remainder of the unexpired term. The members of said board shall receive such compensation as the city council by ordinance shall determine. (P. L. 1945, c. 1665, § 13; P. L. 1962, c. 3, § 1)

Amendment note—Prior to amendment by P.L. 1962, c. 3, § 1, the foregoing section provided for $25.00 compensation per member for each meeting attended, with a limit of $1,000.00 per member for any fiscal year.

Sec. 6.14. City collector; appointment, function.

(a) The head of the collection division shall be the city collector who shall be appointed by the finance director. The city collector shall bill and collect all taxes, real and personal,

tangible and intangible, and all poll taxes* and he shall collect or be responsible for the collection of all water rents or fees and all other rents, charges, taxes and fees now or hereafter imposed by the city and any other moneys due the city or any department, board, commission, bureau or other agency of the city. All moneys collected by the city collector shall be turned over to the city treasurer.

(b) Any and all powers and duties as to such collections heretofore vested in the city treasurer by statute, ordinance, resolution or other regulation shall hereby terminate and be of no further effect as to the city treasurer but shall hereafter be deemed vested in the city collector.

(c) In section 6 of Chapter 32, as set forth in Chapter 1800 of the Public Laws of 1946, and in section 22 of Chapter 31 of the General Laws of 1938, reference to the city treasurer shall hereafter be construed to refer to the city collector appointed under this Act [chapter].

(d) Wherever in any other general or special law, rule, regulation, resolution, order or ordinance continuing in force after the passage of this Act [chapter] there occurs a reference to the city treasurer relating to the functions, powers and duties herein vested in the city collector, such reference shall be deemed and construed to refer to the city collector as created by this Act [chapter]. (P. L. 1945, c. 1665, § 14; P. L. 1951, c. 2722, § 2)

Amendment note—Extent of revision of § 14 of the Finance Act, set out above, is such that detailed analysis is impractical.

Sec. 6.15. Duties of finance director as to budget.†

The finance director shall exercise the powers and perform the duties of the finance department relating to the budget. It shall be the duty of the finance director:

***Editor's note**—Poll taxes were eliminated by Constitutional Convention June 28, 1951.

†**Editor's note**—Section 4 of P.L. 1948, c. 2066, provides as follows: "Wherever in any law, ordinance, rule or resolution there appears a reference to the office of budget director, said reference shall hereafter be construed to apply to the office of the finance director and the office of budget director is hereby specifically abolished."

(a) *Budget control.* To exercise budget control over all city departments and agencies;

(b) *Appropriation allotment system.* To operate an appropriation allotment system;

(c) *Preparation of budget receipt and expenditures.* To prepare the annual budget of receipts and expenditures of the city for the mayor;

(d) *Long-term activity and finance.* To develop in cooperation with the city planning commission long-term activity and finance programs;

(e) *Administration of laws and ordinances.* To administer laws and ordinances governing personnel administration. (P. L. 1945, c. 1665, § 15; P. L. 1948, c. 2066, § 1)

Amendment note—Prior to amendment by P.L. 1948, c. 2066, § 1, this section established a budget division in the finance department, and provided for a budget director.

Sec. 6.16. Authority of finance director as to budget.

In the exercise of his duties relating to the budget the finance director shall have authority as hereinafter provided:

(a) *Requiring work programs; approved allotments.* To require the head of each department, board, commission, bureau, or other agency of the city, after the annual appropriation ordinance has been adopted by the council and before the beginning of the fiscal year, to submit a work program for the year, which program shall include all appropriations for its operation and maintenance and purchase of equipment and shall show the requested allotments of such appropriations for such department or agency by months or quarterly for the entire fiscal year as the mayor may direct. Said finance director shall review the requested allotments in the light of the work program and, with the approval of the mayor, may revise, alter, or change such allotments before authorizing the same. The aggregate of such allotments shall not exceed the total appropriation available to such department or agency for the fiscal year. The controller shall authorize all expenditures to be made from the appropriations on the basis of the approved allotments and not otherwise.

The approved allotments may be revised during the fiscal year after application therefor by the head of any department, board, commission, bureau or other agency of the city, and approval by the mayor;

(b) *Examination of orders, payrolls, etc., disapproval of expenditures.* To examine all purchase orders, payrolls and other items of proposed expenditure. Any proposed expenditure which is not specifically authorized in the appropriations or by the clear intent of the annual budget estimates upon which the appropriation ordinance is based, or by the appropriation ordinance as amended, shall be disapproved by said finance director. No payment on any item or items so disapproved shall thereafter be made by any officer of the city;

(c) *Recommendations as to transfer of funds.* To examine all requests for the transfer of funds and to forward his written recommendations thereon to the mayor or city council, or both, for their consideration;

(d) *Examining needs of personnel; disapproval of payments to persons not properly employed; additional officers or employees.* To examine into the need for all personnel employed by the city and for all requests for new or additional employees. Said finance director shall have authority to disapprove any payment to any person not employed in conformity with the budget or with any ordinance now or hereafter adopted, and any proposed payment lawfully disapproved shall not be paid by any city officer. On any proposal for additional officers or employees of the city, the finance director shall make a written recommendation indicating clearly his approval or disapproval and the reasons therefor, before any action on such proposal shall be taken by the city council;

(e) *Examination of methods, procedures; recommendations.* To examine the methods and procedures of any department, board, commission or other agency to determine the need for personnel or expenditures, and

to make recommendations to the mayor for such revisions in practices as may promote efficiency and economy;

(f) *Avoidance of deficits and safeguarding expenditures.* To perform such other duties as may be necessary in order to insure that deficits shall be avoided and that expenditures are made only for the purposes intended in the annual budget;

(g) *Appointment of budget officer.* To appoint a budget officer to serve in his office as his deputy in matters relating to the budget. (P. L. 1945, c. 1665, § 16; P. L. 1948, c. 2066, § 2)

Amendment note—P.L. 1948, c. 2066, § 2, amended this section by substituting "finance director" for "budget director", by adding subsection (g), and by inserting the phrase "relating to the budget" in the opening sentence.

Sec. 6.17. Fiscal, budget and accounting year.

The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September. Such fiscal year shall also constitute the budget and accounting year. As used herein, the term "budget year" shall mean the fiscal year for which any particular budget is administered. (P. L. 1945, c. 1665, § 17)

Sec. 6.18. Mayor to submit budget, annual message; finance director to obtain estimates, prepare budget.

The mayor shall, at least forty-five (45) days prior to the beginning of each fiscal year, submit to the council a budget and an explanatory budget message in the form and with the contents herein provided. For such purpose, at such date as the mayor shall determine, the finance director shall, at the direction of the mayor, obtain from each head of a department, board, commission, bureau or other agency of the city and each such department or agency head shall submit, an itemized estimate of the anticipated revenue of the proposed expenditures necessary to meet the needs of such department or agency. Said itemized estimate shall be detailed by organization units and by the character and object of expenditure and shall be accompanied by an inventory of all equipment,

materials and supplies on hand and a statement in writing of the work to be performed by means of such proposed expenditures. Said estimates shall be in such form and with such explanation as the finance director may require. The finance director shall, under the supervision and direction of the mayor, prepare the annual city budget and for such purpose shall assemble, correlate and revise the revenue estimates and the requests for appropriations submitted by the various departments and agencies. (P. L. 1945, c. 1665, § 18; P. L. 1948, c. 2066, § 3)

Amendment note—Prior to amendment by P.L. 1948, c. 2066, § 3, this section made it the duty of the budget director, under supervision of the finance director, to obtain estimates and prepare the budget.

Sec. 6.19. Estimates of needs of council, payments on city debt, into sinking fund, on judgments, other expenditures not specifically charged.

Itemized estimates of the financial needs of the city council shall be furnished by the city clerk and estimates of the amount of money required for interest and principal payments on the city debt, the amounts required for payment into the city sinking funds, the amount required for payments on all judgments standing against the city, and all other anticipated expenditures not properly chargeable to any specific department, board, commission, bureau or other agency shall be furnished by the controller. (P. L. 1945, c. 1665, § 19)

Sec. 6.20. Budget to constitute complete plan; estimated receipts.

The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form a general summary, detailed estimates of all anticipated receipts applicable to proposed expenditures, and all proposed expenditures.

There shall be included in the budget document estimates of the receipts of the city during the ensuing fiscal year under laws existing at the time the budget is transmitted and estimates of the receipts under the revenue proposals, if any, contained in the budget; also comparisons with estimated

receipts of the city during the current fiscal year and comparisons with actual receipts of the city for the last two completed fiscal years. Estimated receipts shall be classified as:

(a) *General fund.* General fund operating surplus reserves which have been designated by the city council to become receipts of the year for which the budget is being prepared;

(b) *Amount raised by taxes.* The amount to be raised by ad valorem taxes;

(c) *Miscellaneous receipts.* Miscellaneous receipts which shall include all receipts not hereinbefore enumerated. (P. L. 1945, c. 1665, § 20)

Sec. 6.21. Facts, information in budget.

The budget shall set forth the facts and information hereinafter provided:

(a) *Amount necessary for departments, boards, etc.* Estimates of the amounts necessary in the judgment of the mayor for the operation and maintenance of each department, board, bureau, commission or other agency or for any purpose of the city government and the financial requirements of the mayor and council for the ensuing fiscal year, also comparisons with appropriations for expenditures during the current fiscal year and comparisons with the actual expenditures of the city for the last two completed fiscal years. Such estimates and comparisons shall be arranged and classified so as to show the ordinary recurring expenses of the operation and maintenance of the city government, any extraordinary or nonrecurring expenses to be financed from current revenue, and any extraordinary or capital expenditures to be financed in whole or in part from the proceeds of bond issues;

(b) *Statements and estimates of financial condition.* Statements of the financial condition of the city at the end of the last completed fiscal year, the estimated financial condition at the end of the current fiscal year, and an estimate showing what the financial condition

at the end of the ensuing fiscal year would be in the event that the financial proposals contained in the budget should be adopted;

(c) *Facts relative to bonded and other indebtedness.* All essential facts regarding the bonded and other indebtedness of the city and a statement of the sums necessary to pay the interest and principal on any bonded or other indebtedness of the city payable during the ensuing fiscal year;

(d) *Other financial statements and data.* Such other financial statements and data as in the opinion of the mayor are necessary or desirable. (P. L. 1945, c. 1665, § 21)

Sec. 6.22. Presentation of budget.

At the time of presentation of the budget to the city council the mayor shall also present:

(a) *Budget message.* A budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the city for the budget year and which shall also describe in connection therewith the important features of the budget plan. Said message shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policies. Attached to the budget message shall be such supporting schedules, exhibits, and other explanatory material as the mayor may deem useful to the council;

(b) *Appropriation ordinance.* An appropriation ordinance making provision for financing the city government for the ensuing fiscal year in the manner proposed by said budget;

(c) *Personnel ordinance.* A personnel ordinance which shall be in detail for each department, board, commission, bureau or other agency of the city for which city appropriations are provided other than the office of the mayor and the school department. Said person-

nel ordinance shall provide for the classes of positions, the number of employees in each class, and the maximum number of employees; provided, however, that the maximum number of employees in classes of positions definitely representing seasonal employment shall not be fixed for the board of park commissioners, the water supply board, or for the functions of street cleaning, sewer maintenance, and the construction, reconstruction, repair and maintenance of highways. The number of positions provided in the said personnel ordinance for each department, board, commission, bureau or other agency of the city shall correspond directly with the number of positions provided in the proposed expenditures for personal services as set forth for the particular department, board, commission, bureau or other agency in the recommended budget and the appropriation bill. (P. L. 1945, c. 1665, § 22)

Sec. 6.23. Public hearing on budget.

At the meeting of the council at which the budget, budget message, appropriation ordinance, and personnel ordinance are submitted, the council may in its discretion determine the place and time of a public hearing on the budget and cause to be published a notice of such place and time, not less than seven (7) days after the date of publication, at which the council will hold a public hearing. If a public hearing on the budget is held, all interested persons shall be given an opportunity to be heard for or against the estimates or any item thereof. (P. L. 1945, c. 1665, § 23)

Sec. 6.24. Power to change appropriation ordinance.

The council may increase, decrease, alter or strike out any item or group of items contained in the appropriation ordinance; provided, however, that no action on the part of the council shall be taken which will cause an excess of appropriations over expected revenue receipts submitted by the mayor; and, provided further, that the council shall not vary

the titles, descriptions or conditions of administration specified in the budget, appropriation ordinance or personnel ordinance. If additional appropriations are deemed necessary by the council, said council shall also provide for increasing the total anticipated income so that the total means of financing the budget shall at least equal in amount the aggregate appropriations. If the council shall make any change in the appropriation for personal services recommended by the mayor for any city department or agency, other than the office of the mayor or the school department, a corresponding change shall be made in the personnel ordinance. Upon final passage of the appropriation ordinance, such changes as have been made in said ordinance as originally proposed by the mayor shall also be made in the budget document and said budget document shall be placed on file with the appropriation ordinance in the office of the city clerk. (P. L. 1945, c. 1665, § 24)

Sec. 6.25. Effect of failure to pass appropriation ordinance.

In an emergency caused by failure of the council to pass the annual appropriation ordinance, the same amounts appropriated in the fiscal year immediately preceding shall be available for each department, board, commission, bureau, and other agency of the city government, subject to monthly or quarterly allotments, in accordance with seasonal requirements as determined by the budget director and approved by the mayor; provided, however, that expenditures for payment of any indebtedness of the city on bonds or notes, or for interest thereon, shall be in such amounts as may be required, regardless of whether or not an annual appropriation ordinance is passed by the council. (P. L. 1945, c. 1665, § 25)

Sec. 6.26. Maximum amount of notes issued in anticipation of taxes; reserve for retirement.

Whenever hereafter the city shall issue any notes for borrowings in anticipation of taxes, the total amount of said borrowings shall not in any fiscal year exceed eighty per centum (80%) of the revenue receipts of that year, as estimated in the appropriation ordinance, other than for water

bills and other earnings of the water supply board, remaining uncollected at the time said notes were issued. Thereafter all receipts and revenues of the general fund, beginning on the first day subsequent to the issuance of such notes, shall be reserved for the specific purpose of retiring the obligation incurred by and for paying off said notes, or the remainder thereof, and such revenues or receipts shall not be available for expenditure for any purpose other than for the payment of principal and interest on bonds and notes, until such borrowing in anticipation of taxes shall have been repaid; provided, however, that the provisions of this section shall not apply to any funds or payments received as grants from the federal government or to any funds or payments received from the state for the support of the public schools. (P. L. 1945, c. 1665, § 26)

Sec. 6.27. Payments into general fund; application of other revenue.

Except for such revenue as is by law now devoted to pension, beneficial or retirement funds, sinking funds, public school pension or retirement funds, and funds held in trust or for other specific purposes, all revenue of the city shall be paid into and credited to the general fund; provided, however, that all revenue from the water supply system shall be applied only to the operation and maintenance of said system and for the payment of interest on and the retirement of bonds or for other purposes of said system; and provided further, that all payments made by the state or federal governments to the City of Providence for the support of public schools, all poll taxes* collected and the balance of all dog license fees, together with tuition fees earned by the school department and all miscellaneous receipts of the school department now available to that department for expenditure in accordance with the provisions of law shall be paid over and credited to the school fund by the city treasurer, in accordance with the provisions of law. (P. L. 1945, c. 1665, § 27)

*Editor's note—Poll taxes were eliminated by Constitutional Convention June 28, 1951.

Sec. 6.28. Surplus to revert to general fund.

Any surplus resulting from excess revenue receipts over estimates and unencumbered balances of appropriations at the end of any fiscal year shall revert to the general fund current operating surplus account and shall be subject to such reservation or other disposition as the city council may direct. (P. L. 1945, c. 1665, § 28)

Sec. 6.29. Recommendations of reductions, suspensions to balance budget.

At any time during the fiscal year, upon notification by the finance director that it is indicated that actual revenue receipts will not equal the original estimates upon which appropriations were based, the mayor, for the purpose of maintaining a balanced budget, shall recommend to the council such reductions or suspensions in the appropriations for any or all departments, bureaus, boards, commissions or other agencies of the city government as will, in his opinion, prevent the occurrence of a deficit, and the council shall by ordinance either approve the same in whole or in part or make such other reductions or suspensions in total equal to that proposed by the mayor as will prevent the occurrence of a deficit. (P. L. 1945, c. 1665, § 29)

Sec. 6.30. Transfer of items of appropriations.

In case of any emergency or unforeseen circumstance not existing at the time of adopting the appropriation ordinance, any department, board, bureau, commission or other agency may request the transfer of a portion of any item of appropriation to another item of appropriation made for its department, and if the amount of said transfer does not exceed the sum of one thousand dollars ($1,000.00) the mayor may issue an order for any such transfer, provided, that no such transfer shall operate to increase the total of the amount appropriated for any such department, board, bureau, commission or other agency. If the amount of the requested transfer exceeds one thousand dollars ($1,000.00) it shall be the duty of the mayor, if he shall approve the transfer, to submit

the proposal in writing to the council for approval or rejection. If approved by resolution, the finance director shall cause the amounts of the appropriations affected to be transferred accordingly. (P. L. 1945, c. 1665, § 30)

Sec. 6.31. Accounting division; appointment, duties of city controller.

There shall be established in the finance department an accounting division. The head of the accounting division shall be known and designated as the city controller. The city controller shall be appointed by the finance director and pursuant to rules and regulations prescribed by ordinance, shall exercise the powers and perform the duties of the department and director relating to accounting and expenditure control. It shall be the duty of the city controller:

(a) *Keeping accounts.* To administer a comprehensive accounting and recording system which will classify the transactions of the city departments and agencies in accordance with the budget plan. Accounts shall be kept for each specific item of appropriation made by ordinance and every warrant on the treasurer shall state specifically against which of said appropriations the warrant is drawn. Each such account shall show in detail the appropriation made by ordinance and the authorized allotment thereof. The allotted accounts shall show the amount drawn thereon, unpaid obligations charged against the same, and the unencumbered balance to the credit thereof;

(b) *Forms of receipts, vouchers, etc.* To prescribe the form of receipts, vouchers, bills or claims to be filed by each department, board, commission, office, bureau, institution, and other agency of the city;

(c) *Examination of contracts, purchase orders, etc.* To examine all contracts, purchase orders, and other documents by which the city incurs financial obligations in order to ascertain that moneys have been duly appropriated and allotted to meet such obligations and will be available when such obligations shall have be-

come due and payable, and to record such obligations as encumbrances on the respective appropriations from which such obligations are to be paid;

(d) *Auditing bills, invoices, etc.* To audit all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the city in order to determine the regularity and correctness of the same;

(e) *Monthly reports of receipts and expenditures.* To prepare monthly reports of all receipts and expenditures of the city and submit the same to the mayor, the council, and head of each department, board, commission, bureau, and other agency of the city directly concerned therewith. A copy of each such report shall forthwith be filed with the city clerk and shall be a public record;

(f) *Other financial statements.* To prepare such other financial statements as are required by the several city departments and agencies, by the mayor, or by the city council;

(g) *Forms of accounting and auditing accounts.* To prescribe the form of a financial accounting and cost accounting system and audit any accounts or records of financial transactions which are maintained by any department, board, commission, bureau or other agency of the city;

(h) *Other duties.* To perform such other duties pertaining to the financial records of the city as may be prescribed by law or by ordinance which may be requested or required by any fiscal officer of the state by law authorized to make such request or requirement. (P. L. 1945, c. 1665, § 31)

Code reference—Ordinances pertaining to city controller, § 2-84.

Sec. 6.32. Annual audit of financial accounts.

Not later than September 15th of each year the city council shall provide for an audit of the financial accounts of the city. For the purpose of this audit the council shall employ either the services of one or more certified public accountants, none of whom shall be officers or employees of the city government

and who shall hold a certificate from the State of Rhode Island or from some other state maintaining an equal standard of professional requirements, or the bureau of audits and accounts of the State of Rhode Island, to perform such annual audit. If the council fails to provide for such audit by September 15th in any year, such failure shall be deemed the equivalent of a direct request of the state bureau of audits and accounts for such an audit.

The audit shall be made in accordance with generally accepted auditing standards and shall include all procedures necessary to enable the accountant or accountants to express an informed opinion of the financial accounts. A copy of the accountants' report shall be kept on file by the city clerk and shall be a public record.

The period covered by the audit shall be for one complete fiscal year beginning on October first prior to the action of the city council as herein required, and shall run to September thirtieth subsequent to the date of the council action; provided, however, in the event the books, records and accounts of the city for the preceding fiscal year were, for any reason, not audited, the council shall provide that the audit authorized as herein provided shall cover the entire period from the last preceding audit.

All officers of the city shall be required to extend such assistance and make available such records as the accountant or accountants may request. Failure on the part of any officials to perform the duties as herein required shall be deemed nonfeasance of office and [said officials] shall forfeit their right to the office. (P. L. 1945, c. 1665, § 32)

Sec. 6.33. Appointment, etc., of personnel director.

The director of finance shall appoint a personnel director who, subject to the control and supervision of the finance director, shall have the powers and duties relating to personnel as herein provided. (§ 40, added by P. L. 1951, c. 2722, § 5)

Editor's note—P.L. 1951, c. 2722, § 5, directed that Chapter 1665 of the Public Laws of 1945, be further amended by adding this and the following sections as sections 40 through 44 thereof. Said sections were renumbered to maintain continuity and format.

Sec. 6.34. Duties of personnel director.

It shall be the duty of the personnel director:

(a) To represent the public interest in the improvement of personnel in the city service;

(b) To make annual and special reports to the mayor and finance director on the quality and status of personnel administration in the city government and to make recommendations for improvements;

(c) To prepare rules for carrying out the provisions of laws and ordinances and to promote the efficiency and good of the city service, subject to approval by the finance director;

(d) To establish policies and practices controlling personnel status changes affecting employees in the city service, including the transferring of employees from one position to another either within the same department or to a different department;

(e) To certify payrolls before payment of salaries and wages are made to employees;

(f) To carry out the provisions of any ordinances relative to personnel policies;

(g) To do any other lawful and necessary acts to effect the purpose hereof. (§ 41, added by P. L. 1951, c. 2722, § 5)

Note—See editor's note following § 6.33.

Sec. 6.35. Duties of city council in connection with personnel.

It shall be the duty of the city council to prescribe rules and regulations concerning:

(a) Classification of positions based on the duties, authority and responsibility of positions in the city service;

(b) A salary plan for positions in the city service;

(c) Practices governing permanent, temporary and emergency appointments, hours of work, attendance, leave and separation;

(d) To define the duties and authority of the personnel director in relation to the subjects included in this section and also to fix the salary of said director. (§ 42, added by P. L. 1951, c. 2722, § 5)

Note—See editor's note following § 6.33.

Sec. 6.36. Personnel director to perform certain duties of finance director.

The personnel director, subject to the authority of the finance director, shall perform the duties of the finance director relating to personnel as provided by section 16 [6.16] of this chapter. (§ 43, added by P. L. 1951, c. 2722, § 5)

Note—See editor's note following § 6.33.

Sec. 6.37. Appointments, promotions, changes of personnel.

All appointments, promotions and changes in status of personnel in the public service of the city, except in the public schools thereof, shall be made in accordance with law and ordinance and with the approval of the director of personnel. (§ 44, added by P. L. 1951, c. 2722, § 5)

Note—See editor's note following § 6.33.

Sec. 6.38. Appointment of deputies and subordinates.

The finance director, purchasing agent, city assessor, city collector, budget officer and city controller shall each have power to designate a subordinate to exercise his powers and duties in his absence. Each of said officials shall also have the right to appoint such deputies or other subordinates as may be authorized by ordinance. (P. L. 1945, c. 1665, § 33; P. L. 1951, c. 2722, § 3)

Amendment note—P.L. 1951, c. 2722, § 3, amended the foregoing section by deleting reference to the revenue administrator, and by changing the title of the budget director to "budget officer."

Sec. 6.39. Officers to continue until successors appointed.

The several officers of the city, whose powers, duties, and functions are by this Act [chapter] vested in the finance department hereby created, or in any officer thereof, or in the board of tax assessment review, shall continue to exercise and perform their respective powers and duties and to carry

out said functions until the respective offices created by this Act [chapter] which are to succeed to such powers, duties, and functions, shall have been filled by appointment as herein provided. (P. L. 1945, c. 1665, § 34)

Sec. 6.40. Power of council to enact ordinances in conformity herewith.

The city council shall have authority to provide by ordinance for the exercise of the powers and functions granted, defined or established by this Act [chapter], or to supplement the same to an extent not inconsistent with law. (P. L. 1945, c. 1665, § 35)

Sec. 6.41. Certain provisions of Charter Act of 1940 affirmed.

The provisions of sections 6, 7, 8, 138, 142, 144 and 145 of said Chapter 832 of the Public Laws of 1940 are hereby affirmed and shall not be abridged or impaired by the passage of this Act [chapter], and such provisions shall apply to this Act [chapter] in like manner and with the same effect as said provisions do apply to the Providence Charter Act of 1940. (P.L. 1945, c. 1665, § 38)

Editor's note—The charter sections referred to in the foregoing section appear in this publication as §§ 1.4, 1.12, 2.3, 1.8, 4.29, 1.2 and 1.13 respectively.

Sec. 6.42. Repeal of certain provisions of Charter Act of 1940.

Section 33, sections 78 to 82 inclusive, sections 87 to 108 inclusive, and sections 127 and 128 of said Chapter 832 of the Public Laws of 1940, and Chapters 1270 and 1285 of the Public Laws of 1943 are hereby repealed. (P. L. 1945, c. 1665, § 39)

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CHARTER DISPOSITION TABLE*

Legend for abbreviations and symbols used in table:

A—Amends	R—Repeals	S—Supersedes
Ab—Amended by	Rb—Repealed by	Sb—Superseded by
Obs—Obsolete		

Public Laws Year	Chapter	Art./Sec.	Disposition
1929	1446		1.5 (note)
1940	832	1	2.1
			3.5
		2	1.3
		3	2.2
		4	2.5
		5	2.9
		6	1.4
		7	1.12
		8	2.3
		9	3.1
		10	3.3
		11	3.2
		12	3.4
		13	3.10
		14	3.8
		15	3.9
		16	2.14
		17	2.15
		18	2.16
		19	2.17
		20	3.11
		22	3.12
		23	3.13
		24	3.14
		25	3.15
		26—	3.18—
		28	3.20
		29	3.16
		30	2.6
		31	2.7
		32	3.17
		33 (Financial audits, Rb P. L. 1945, c. 1965, § 39)	
		34	2.8
		35	2.4

*Editor's note—This table sets out in chronological sequence, the various Acts, and parts thereof, of a general and permanent nature, relating to the City of Providence, and the disposition thereof commencing with the basic Charter Act, Chapter 832 of the Public Laws of 1940.

Public Laws Year	Chapter	Art./Sec.	Disposition
		36	4.20
		37	4.18
		38	4.19
		39—	4.2—
		42	4.5
		43	4.28
		44—	4.25—
		46	4.27
		47	4.1
		48	4.30
		49	3.6
		50	3.7
		51	4.6
		52	4.7
		53	4.10
		54	4.11
		55—	5.1—
		61	5.7
		62—66	(Consolidation of police and fire departments, etc., Rb P. L. 1951, c. 2723, § 15)
		67	5.22
		68	4.21
		69	4.22
		70	4.23
		71	4.24
		72	5.23
		73	5.24
		74—77	(Public service engineer, superintendent of buildings, bathhouses, comfort stations, harbor master, Rb P. L. 1949, c. 2308, § 5)
		78—82	(Board of tax assessors, Rb P. L. 1945, c. 1665, § 39)
		83	4.8
		84	4.9
		85	5.48
		86	5.49
		87—104	(City auditor, Rb P. L. 1945, c. 1665, § 39)

Public Laws Year	Chapter	Art./Sec.	Disposition
		105—108	(Purchasing department, Rb P. L. 1945, c. 1665, § 39)
		109	4.12
		110	4.13
		111	5.66
		112	5.67
		113	4.14
		114	4.15
		115—	5.50—
		117	5.52
		117(b)—	(Powers of board of park commissioners as board of recreation, Rb P. L. 1947, c. 1856, § 10)
		118—	5.63—
		120	5.65
		121	5.53
		122	5.54
		123	5.56
		124	5.57
		125	5.55
		126	5.58
		127, 128	(Billing and collection of water rents, Rb P. L. 1945, c. 1665, § 39)
		129	4.16
		130	4.17
		131	5.59
		132	5.60
		133	1.6
		134	1.5
		135	2.13
		136	(Civil service commission, Rb P. L. 1951, c. 2722, § 6)
		137	5.61
			5.62
		138	1.8
		139	1.9
		140	1.10
		141	1.11
		142	4.29

Public Laws Year	Chapter	Art./Sec.	Disposition
		143	1.7
		145	1.13
		146	1.14
		147	1.1
1942	1243	1	5.53
		2	5.55
1943	1266	1	2.13
	1285	85	5.48 (note)
1944	1461		1.5 (note)
	1482		1.6 (note)
1945	1665	1—	6.1—
		32	6.32
		33	6.38
		34	6.39
		35	6.40
		36, 37 (Directory)	Omit
		37	5.59 (note)
			5.61 (note)
		38	6.41
		39	5.48 (note)
			6.42
1947	1856	10	5.52
1948	2066	1	6.15
		2	6.16
		3	6.18
		4	6.15 (note)
	2068	1	5.48
1949	2247	1	5.53
	2308	1	5.23
			5.24
		2	4.13
		3	5.25—
			5.34
		4	Art. III (note)
1950	2558	1	6.12
1951	2721	1	5.35—
			5.47
	2722	1	6.8
			6.9
		2	6.14
		3	6.38
		5	6.33—
			6.37
	2723	1	5.8—
			5.21
		2	1.2

Public Laws Year	Chapter	Art./Sec.	Disposition
		3	5.48
		10	4.21 (note)
			4.22 (note)
			4.23 (note)
			4.24 (note)
		16	5.22
	2849	1	6.12
	2864	1	3.4
1954	3339	1	5.36
1955	3339	1	5.37
1960	121	I 1	2.19
		II 1	2.20
		III 1—	2.21—
		10	2.30
		IV 1	2.31
		V 1—	2.32—
		3	2.34
1962	3	1	6.13
		2 (Effective date)	Omit
	176	I 1	2.35
		II	2.36
		III 1—	2.37—
		3	2.39
		IV	2.40
		V 1	2.41
		VI 1—	2.42—
		6	2.47
		VII 1	2.48
		VIII 1	2.49
		IX 1—	2.50—
		5	2.54
		X 1—	2.55—
		3	2.57
		4 (Effective date)	Omit
1962	251	1	2.11
		2 (Effective date, repealer)	Omit
1963	104	1	2.18
		2 (Effective date, repealer)	Omit
1963	157	1	3.1 (note)
			3.2 (note)
		2 (Effective date, repealer)	Omit

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS*

Sec. 1-1. Designation, citation of Code.
Sec. 1-2. Rules of construction.
Sec. 1-3. Catchlines of sections.
Sec. 1-4. Effect of repeal of ordinances.
Sec. 1-5. Severability of parts of Code.
Sec. 1-6. Amendments to Code.
Sec. 1-7. References in ordinances to former enactments.
Sec. 1-8. Ordinances to be numbered consecutively as chapters.
Sec. 1-9. Altering Code.
Sec. 1-10. General penalty; continuing violations.
Sec. 1-11. Prosecution where different penalties exist for same offense.

Sec. 1-1. Designation, citation of Code.

The ordinances embraced in this and in the following chapters shall be designated and cited as the "Code of Ordinances of the City of Providence." (Rev. Ords. 1946, ch. 1, § 1)

Sec. 1-2. Rules of construction.

In the construction of this Code and of all ordinances hereafter enacted, the following interpretations shall be placed on the words and phrases hereinafter mentioned, unless such construction or interpretation shall be manifestly inconsistent with the evident intent of the city council or the qualified voters, or repugnant to the context or to the evident purport of any ordinance:

City. The words "the city" shall mean the City of Providence, in the County of Providence, and the State of Rhode Island.

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*Cross references—Publication of ordinances and resolutions, § 2-1; posting ordinances and resolutions, § 2-2; subscribing name of city and making oath, § 2-3.

State law references—City to have and exercise existing powers and privileges, be subject to existing duties and liabilities, conferred or imposed by charter or by special acts relating to it, § 45-2-1, Gen. Laws 1956; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Computation of time. The time in which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.

Corporate limits, corporation limits. Whenever the words "corporate limits", "corporation limits" or "city limits" are used they shall mean the legal boundary of the City of Providence.

Council. The words "the council" shall mean the city council of the City of Providence.

Councilman. The word "councilman" shall mean any person elected to that office.

County. The words "the county" or "this county" shall mean the County of Providence in the State of Rhode Island.

Delegation of authority. Whenever a provision appears requiring the head of a department or other officer of the city to do some act or to make certain inspections, it is to be construed to authorize the head of the department or other officer of the city, as the case may be, to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designates otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper, proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

Mayor. Whenever the word "mayor" is used it shall mean the mayor of the City of Providence.

Month. The word "month" shall mean a calendar month.

Name of officer. Whenever the name of an officer is given it shall be construed as though the words "of the City of Providence" were added.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Or, and. "Or" may be read "and", and "and" may be read "or", if the sense requires it.

Owner. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall include a corporation, firm, partnership, association, organization, club, society, body corporate or politic, or any other group acting as a unit, as well as a natural person.

Personal property. The term "personal property" shall include every species of property except real property, as herein described.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Premises. Whenever the word "premises" is used it shall mean place or places.

Property. The word "property" shall include real and personal property.

Public place. The term "public place" shall mean any park, cemetery, school yard or open space adjacent thereto, and all beaches, canals or other waterways.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Residence. The term "residence" shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Seal. Whenever the word "seal" is used it shall mean the city or corporate seal.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curbline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature, subscription. The "signature" or "subscription" of a person shall include a mark when the person cannot write.

State. The words "the state" shall be construed to mean the State of Rhode Island.

Streets, highways, ways. The words "streets", "highways" and "ways", when used in an ordinance, shall be construed as including boulevards, avenues, courts, lanes, alleys, squares, places and sidewalks, and each of these words shall include every other of them.

Tenant. The words "tenant" or "occupant", applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

Time. Words used in the past or present tense include the future as well as the past and present.

Week. The word "week" shall be construed to mean seven (7) days.

Written, in writing. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

Whenever reference is made to "Gen. Laws, c. ....., § .....," this shall mean the 1938 edition of the General Laws of Rhode Island. Whenever reference is made to "P.L.", this shall mean the Public Laws of Rhode Island.

Charter reference—Rules of construction, § 1.2.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section, and unless otherwise expressly so provided, shall not be deemed or taken to be titles of such sections, or as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. Effect of repeal of ordinance.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Charter reference—Existing ordinances, etc., to continue in effect, § 1.4.

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the volume, since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section. (Rev. Ords. 1946, ch. 1, § 9)

Sec. 1-6. Amendments to Code.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission thereof from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the city council.

(b) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of the Code in substantially the following language: "That section ..... of the Code of Ordinances of the City of Providence, Rhode Island, is hereby amended to read as follows: . . . (Set out new provisions in full) . . ."

(c) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances of the City of Providence, Rhode Island, is hereby amended by adding a section (or

article, chapter or other designation, as the case may be), to be numbered _____, which reads as follows: _____ (Set out new provisions in full) . . . ."

(d) In lieu of the foregoing paragraph, when the city council desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, which the city council desires to incorporate into the Code, a provision in substantially the following language may be made a part of the ordinance: "It is the intention of the city council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of Providence, Rhode Island, and the sections of this ordinance may be renumbered to accomplish such intention."

(e) All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter or other number, as the case may be.

Sec. 1-7. References in ordinances to former enactments.

All ordinances in amendment of, addition to, or in repeal of any chapter of the Code of Ordinances shall contain in the title thereof a reference to the number and title of the chapter of which the same is in amendment, addition or repeal. (Ord. 1941, ch. 1048, § 3; Rev. Ords. 1946, ch. 1, § 5)

Sec. 1-8. Ordinances to be numbered consecutively as chapters.

The city clerk shall number all ordinances as chapters, consecutively in the order of their adoption, said number to consist of two parts separated by a dash, the number preceding the dash to be the year in which the ordinance is enacted and the number following the dash to be the number of the ordinance in the year in which it is enacted.

Sec. 1-9. Altering Code.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of

this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Providence to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-10 hereof.

Sec. 1-10. General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance or resolution of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance or resolution shall be punished by a fine of not less than one dollar ($1.00) nor more than two hundred dollars ($200.00), or by imprisonment of not less than one (1) day nor more than thirty (30) days. Each day any violation of this Code or of any such ordinance or resolution shall continue shall constitute a separate offense.

(b) In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance or resolution shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

Charter references—Penalty limits, § 1.3; power of city council to provide penalties, limitation upon penalties, § 2.5.

Cross references—Disposition of fines, costs, fees in police court, § 8-2; responsibilities of owners, occupants, for housing code observance, § 13-200 et seq.; penalties for traffic violations, § 15-2 et seq.; reward for apprehension of person violating §§ 16-4, 16-5.

Sec. 1-11. Prosecution where different penalties exist for same offense.

In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

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Chapter 2

ADMINISTRATION*

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*__Charter references__—Certain agencies unaltered by charter, § 1.7; preservation of government of school department, powers of school committee, § 1.8; powers of city, § 2.1 et seq.; preservation of existing powers, § 2.18.

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__State law references__—City to have and exercise existing powers and privileges, be subject to existing duties and liabilities, conferred or imposed by charter or by special acts relating to it, § 45-2-1, Gen. Laws 1956; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; imposition of penalties therefor, § 45-6-2, Gen. Laws 1956.

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Article I. In General

Sec. 2-1. Publication of ordinances and resolutions.

The city clerk shall cause all ordinances or resolutions hereafter enacted to be published for the use of the city council as soon as practicable after their enactment. (Ord. 1941, ch. 1048, § 2; Rev. Ords. 1946, ch. 1, § 4)

Charter references—Adoption, content, effect of ordinance establishing mall, § 2.48; introduction and passage of ordinances and resolutions, § 3.15; inspection of proposed ordinances and resolutions, § 3.16; public hearings thereon, § 3.17; approval by mayor, § 3.18; enactment of emergency measures, § 3.19; authentication and publication, § 3.20.

State law reference—Printing and publishing ordinances, § 45-6-7, Gen. Laws 1956.

Sec. 2-2. Posting ordinances and resolutions in city hall.

Within fifteen (15) days after final passage of an ordinance or resolution, the city clerk shall publish the said ordinance or resolution by causing a printed or typewritten copy of the same to be posted for a period of five (5) days on a bulletin board to be located in the corridor of the ground floor of the city hall. (Ord. 1941, ch. 1048, § 1; Rev. Ords. 1946, ch. 1, § 6)

Cross reference—Duty of city clerk to record all votes, orders, resolutions and ordinances, § 2-46.

Sec. 2-3. Subscribing name of city and making oath.

Whenever the name of the city is to be or shall be required to be subscribed to or used in any proceeding or process at law or in equity, or to any account or statement to be given by said city, the mayor or treasurer of said city may so subscribe or use the name of said city; and in any such case where an oath may be required, the mayor or treasurer may make oath for and in behalf of the city to such proceeding, process, account or statement. (Ord. 1914, ch. 15, § 3; Rev. Ords. 1946, ch. 1, § 7)

Sec. 2-4. Prohibited interests of councilmen, officers, employees.

No member of the city council and no officer or employee of the city shall appear or act in his own interest or as attorney, agent or representative of any other person before

the city council, or any committee of the council relative to any pending claim against the city, or any private or business affair or transaction of such member, officer or employee, or other such person with the city; provided however, that this section shall not prevent any such member, officer or employee from testifying as a witness before the city council, or any committee of the council. (Ord. 1914, ch. 11, § 1; Rev. Ords. 1946, ch. 2, § 16)

Charter references—Prohibited interests in contracts with city, § 2.14; corrupt practices, § 4.29.

Sec. 2-5. Member of city government not to act as surety.

No member of the city government shall become surety for any contractor with the city; nor shall any officer or committee or commissioner of the city, or any person acting under authority of the city, accept any bond of a contractor with the city, bearing the name of any person as surety who, at the time of the execution of said bond, is a member of the city government. (Ord. 1914, ch. 15, § 2; Rev. Ords. 1946, ch. 2, § 17)

Cross reference—Bonds of officers and employees, § 17-36 et seq.

Sec. 2-6. Description of municipal medal.

The municipal medal of the city shall be of bronze, one and three-quarters inches in diameter, hung from a ribbon. The design of the medal shall be as follows: Upon the obverse side there shall be a raised circle containing the words "Presented by the City of Providence for Deeds of Bravery"; at the base there shall be a device of the seal of the City of Providence; within the circle there shall be a female figure representing the municipality, crowning with a wreath of laurel a male figure representing heroism, protecting a woman and child. Upon the reverse side there shall be a shield surrounded by a wreath of oak leaves and laurel. (Ord. 1915, ch. 90, § 1; Rev. Ords. 1946, ch. 13, § 26)

State law reference—Special act authorizing the bestowal of these medals, P.L. 1915, ch. 1272.

Sec. 2-7. Person upon whom municipal medal bestowed.

The city council by resolution may bestow the municipal medal upon any policeman, fireman or other officer or em-

ployee of the city who shall hereafter perform an extraordinary act of bravery or valor in the line of his duty as such officer or employee. (Ord. 1915, ch. 90, § 2; Rev. Ords. 1946, ch. 13, § 27)

Sec. 2-8. Acts of bravery or valor warranting receipt of medal.

Whenever it shall be suggested to the city council that a policeman, fireman or other officer or employee of the city has performed an extraordinary act of bravery or valor in the line of his duty as such officer or employee, the matter shall be referred to the committee on public welfare for investigation. Said committee shall hear and receive evidence concerning the act referred to it and shall report to the city council its findings upon the facts, together with its recommendations, as to whether the act referred to it for investigation is of such extraordinary bravery or valor in the line of duty as to entitle such policeman, fireman or other officer or employee to receive the municipal medal. (Ord. 1915, ch. 90, § 3; Rev. Ords. 1946, ch. 13, § 28)

Sec. 2-9. Keeping offices open on Saturdays, in emergency.

The heads of the several departments of the city, except in cases of emergency, special need or public necessity, may close their departments all day Saturday, notwithstanding sections 17-10 and 17-11 establishing a five (5) day workweek; but any department head may in his discretion keep his department open with such number of employees as special circumstances may require. In case any emergency, special need or public necessity is determined to exist by the mayor, the mayor may require any department head to keep his department open for business on any or all Saturdays, or any part of any Saturday. (Ord. 1938, ch. 963, § 2; Rev. Ords. 1946, ch. 2, § 164)

Sec. 2-10. Closing offices on Good Friday.

The heads of the several city departments, other than the department of public safety, the school department and the board of hospital commissioners, are hereby directed to close

their several departments on Good Friday each year at twelve o'clock noon for the remainder of the day. The mayor is hereby authorized in his discretion to require any department head to keep his department open for business on the Saturday morning following Good Friday, or any part of said Saturday. (Ord. 1939, ch. 972, §§ 1, 2; Rev. Ords. 1946, ch. 2, § 165)

Sec. 2-11. Public celebrations in city; personnel, supplies, materials therefor.

In the employment of persons for services in connection with public celebrations in the city, for which money is provided by the city council, preference shall be given to residents of the city; and in the purchase of supplies or materials in connection with such public celebrations preference shall be given to local merchants and other residents of the city except in those instances where, in the opinion of the authority in charge, the goods or services are not obtainable locally or where substantially lower rates or charges for similar goods and services are obtainable elsewhere. (Ord. 1940, ch. 994, § 1; Rev. Ords. 1946, ch. 2, § 175)

Secs. 2-12—2-20. Reserved.

Article II. Mayor and Council*

Sec. 2-21. Signature by mayor on instruments in writing.

All contracts, deeds, leases, conveyances, or other instruments in writing, made and entered into by or on behalf of the city, shall be signed and executed by the mayor, unless otherwise provided by ordinance or resolution of the city council. (Ord. 1914, ch. 15, § 1; Rev. Ords. 1946, ch. 2, § 15)

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*Charter references—Provisions pertaining to mayor and council, § 3.1 et seq.; powers of the city, § 2.1 et seq.; appointive officers and employees, § 4.1 et seq.; departments, boards, bureaus and commissions, § 5.1 et seq.; finances, § 6.1 et seq.

Cross references—Officers and employees, generally, § 17-1 et seq.; bonds thereof, § 17-36 et seq.; compensation and other benefits, § 17-54 et seq.; revenue and finance provisions, § 21-1 et seq.

Sec. 2-22. Salary of mayor.

The salary to be paid the mayor of the city shall be twenty thousand dollars ($20,000.00) per year, payable weekly. (Ord. 1964, ch. 1632, § 1)

Sec. 2-23. Salaries of councilmen.

The salary to be paid to each member of the council in accordance with the provisions of section 3.10 of Part I of this publication shall be two thousand dollars ($2,000.00) per year, payable monthly; provided however, the salary to be paid to the president of the city council shall be two thousand six hundred dollars ($2,600.00) per year, payable monthly. (Ord. 1942, ch. 1171, § 1; Rev. Ords. 1946, ch. 2, § 4; Ord. 1948, ch. 190, § 1; Ord. 1952, ch. 573, § 1; Ord. 1964, ch. 1633, § 1)

Sec. 2-24. Calling special meetings of council.

Whenever the city clerk shall be requested to call a special meeting of the city council, in accordance with the provisions of section 3.11 of the charter, either upon the written request of the mayor, or of one-sixth (1/6) of the members of the council, notice shall be served personally on each member, or at least two (2) days' notice thereof shall be given each member in the following manner:

The city clerk, or in his absence, one of his assistants thereunto duly authorized by said clerk or by said council, shall command and require the city sergeant to summon the members of the city council to meet in their chamber in the city hall, then and there to transact such business as may legally come before them. The city clerk may include in the warrant calling the special meeting, a statement of the purposes for which the special meeting is called. (Ord. 1941, ch. 1056, § 1; Rev. Ords. 1946, ch. 2, § 1)

Sec. 2-25. Summoning members to special meetings of council.

In the event a special meeting is called within two (2) days prior to the time for holding said meeting, the city sergeant

shall summon the members of the city council by leaving an attested copy of the warrant issued by the city clerk with each of the members of the city council personally, or by reading the same in his presence and hearing; or in the event that said meeting is called more than two (2) days prior to the day thereof, the city sergeant shall give at least two (2) days' notice of said meeting to the members of the city council by summoning each of them as aforesaid or by leaving an attested copy of the warrant issued by the city clerk either in the place of business, or at the last and usual place of abode of each member of the city council, with some person living there. The city sergeant shall make his return on the original of said warrant, certifying that he has summoned all the members of the city council in accordance with the terms of this section. (Ord. 1941, ch. 1056, § 2; Rev. Ords. 1946, ch. 2, § 2)

Sec. 2-26. Notice of pendency and hearing of petitions to council.

Whenever any private petition shall have been presented to the city council, the committee to which such petition shall be referred may, and, if such petition asks permission to use in any way any highway or public lands, shall order public notice to be given by newspaper advertisement, of the pendency of such petition and of the time it will be considered, which order shall be at once communicated to the petitioner by the committee. In case the petitioner shall not cause such notice to be given as above provided, before the time of consideration of such petition, such committee shall report the fact to the city council with a recommendation that the petitioner have leave to withdraw. (Ord. 1914, ch. 41, § 1; Rev. Ords. 1946, ch. 2, § 3)

Sec. 2-27. Annual reports to council.

All directors, boards, commissions and bureaus of the city shall annually, during the month of January, render to the city council a report of the operations of their respective departments during the previous fiscal year. (Ord. 1942, ch. 1138, § 1; Rev. Ords. 1946, ch. 2, § 179½)

Sec. 2-28. Expenditures by committees of council.

Committees of the city council are severally authorized to expend not more than one hundred dollars ($100.00) each in any year in the investigation of subjects referred to them by the city council; or in discharge of such duties as are now or hereafter may be prescribed for such committees by ordinance or otherwise by the city council, or in investigating such subjects as may be deemed expedient by such committees relative to the departments respectively to which they have relation; and all such expenditures shall be charged to the appropriation for the city council. (Ord. 1914, ch. 20, § 5; Rev. Ords. 1946, ch. 2, § 4)

Sec. 2-29. Acquiring option to purchase land—Authority.

Any committee of the city council is hereby authorized, at any time, or from time to time, to secure, in the name of the city or in the name of any person designated by such committee, for the city, an option for the purchase of any land in the city, which in the opinion of such committee may be required by the city for public or municipal purposes; provided, that any resolution or vote of any such committee to obtain the same shall be first approved in writing by the mayor before any step to secure the same shall be taken. (Ord. 1914, ch. 14, § 4; Rev. Ords. 1946, ch. 2, § 5)

Cross reference—Purchase of real estate, § 21-41 et seq.

Sec. 2-30. Same—Payment for option and services of broker.

A committee of the city council is authorized, if necessary, to pay as the consideration for any option secured as authorized in section 2-29 and for the services of any broker or other person employed by such committee to secure the same, not exceeding the sum of one hundred dollars ($100.00), or if no such person is so employed not exceeding said sum for said option consideration only, which shall be payable from any appropriation covering the purchase of such land. If at the time of securing any such option no such appropriation has been made, such payment shall be made from the appropriation for contingencies, and all such payments so made shall be returned to the appropriation for contin-

gencies and charged to any appropriation covering the purchase of such land when such appropriation is made. The city controller is hereby directed, from time to time, upon approval of the mayor, to forthwith make, certify and transmit to the city treasurer for payment, a schedule of all sums of money payable pursuant to the provisions hereof. (Ord. 1914, ch. 14, § 4; Rev. Ords. 1946, ch. 2, § 6)

Sec. 2-31. Same—Preservation of resolution or vote.

Upon the approval by the mayor of any resolution or vote, a copy thereof, certified by the clerk of the committee of council, with the approval of the mayor endorsed by him thereon, shall be filed in the office of the city controller, but shall not be opened to public inspection pending the securing of the option described in section 2-29, and if the same is obtained in the name of any person other than the city, not until after the time specified therein for exercising the option shall have expired. (Ord. 1914, ch. 14, § 4; Rev. Ords. 1946, ch. 2, § 7)

Sec. 2-32. Committee on finance—Transfer of appropriation from one department to another.

The committee on finance, upon the written request of the city controller, is hereby authorized, at the close of any fiscal year, to transfer, from one to another of the annual appropriations for the several departments for such year, such amounts as may be necessary in closing the accounts with said appropriations for such year; but no such transfer shall be applied so as to increase any one appropriation to an amount exceeding five hundred dollars ($500.00). (Ord. 1914, ch. 20, § 40; Rev. Ords. 1946, ch. 2, § 8)

Note—For the committees of council, see Rules of Council as contained in Providence City Government Pocket Manual.

Charter reference—Finances of city, § 6.1 et seq.

Cross reference—Revenue and finance ordinances, § 21-1 et seq.

Sec. 2-33. Same—Contracts with depositories; notice to city treasurer.

The committee on finance is hereby authorized and directed to contract, from time to time, with such banks or trust

companies, located in the city, not less than three (3) in number, as they shall deem most beneficial for the city, for the receipt and payment of interest, at any agreed rate, upon an account current of money deposited with and drawn from such banks or trust companies, by the city; and said committee shall thereupon give notice in writing to the city treasurer, with what bank or trust companies the city funds are to be deposited, and from which they are to be drawn in the manner provided by ordinance. (Ord. 1914, ch. 20, § 41; Rev. Ords. 1946, ch. 2, § 9)

Sec. 2-34. Committee on relief of firemen and policemen constituted.

The mayor, the president of the city council, the chairman of the committee on claims and pending suits, the chairman of the committee on ordinances, and the chairman of the committee on finance, all ex officio, are hereby created a standing committee of the city council for the relief of disabled firemen and policemen, in accordance with and subject to the provisions set out in the following sections. (Ord. 1941, ch. 1073, § 1; Rev. Ords. 1946, ch. 2, § 10)

Cross reference—Annuities for widows of policemen and firemen, § 17-128 et seq.

State law references—State law setting up pensions and relief fund, § 45-19-1 et seq., Gen. Laws 1956; special acts authorizing appropriation for relief of disabled firemen and policemen, P.L. 1889, ch. 782, as amended by P.L. 1909, ch. 466, P.L. 1921, ch. 2105 and by P.L. 1927, ch. 1073.

Sec. 2-35. Dr. Charles V. Chapin Memorial Award Committee constituted.

A standing committee of the city council is hereby created, consisting of five (5) members of the city council to be appointed by the president of the council, and to be known as the "Dr. Charles V. Chapin Memorial Award Committee." The members of said commitee shall be appointed biennially in every odd-numbered year, as soon as may be after the organization of the city council. The said committee shall cooperate with the Rhode Island Medical Society in arranging for the presentation at the annual meeting of the said society

of an oration to be known as the "Dr. Charles V. Chapin Oration." (Ord. 1944, ch. 1254, § 1; Rev. Ords. 1946, ch. 2, § 14)

Secs. 2-36—2-45. Reserved.

Article III. City Clerk*

Sec. 2-46. Duty to record votes, orders, resolutions and ordinances.

In addition to the duties prescribed by the laws of the state, the city clerk shall record all votes, orders, resolutions and ordinances made and passed by the city council. (Ord. 1914, ch. 38, § 12; Rev. Ords. 1946, ch. 2, § 60)

Sec. 2-47. Duty to furnish names of committeemen and elected officers.

The city clerk shall, from time to time, furnish the chairman of each committee of the city council with the names of the members of such committee, and shall furnish the city messenger with the name of each committeeman and officer elected by the city council. (Ord. 1914, ch. 38, § 12; Rev. Ords. 1946, ch. 2, § 61)

Sec. 2-48. Duty to furnish heads of departments, committee chairmen copies of pertinent votes or resolutions.

The city clerk shall furnish to all heads of departments of the city government, and to the chairmen of all committees of the city council, certified copies of such votes or resolutions as relate to their respective departments or committees. (Ord. 1914, ch. 38, § 12; Rev. Ords. 1946, ch. 2, § 63)

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*Charter references—Mayor and council, § 3.1 et seq.; city clerk, §§ 4.6, 4.7; authority of mayor as to administrative rules and regulations, § 4.25.

State law reference—Special act relative to department of city clerk, P.L. 1913, ch. 978, as amended by P.L. 1923, ch. 2371.

Sec. 2-49. Duty to furnish copies of votes of council requiring expenditures.

The city clerk shall furnish the city controller with a certified copy of all votes of the city council requiring expenditure of money, as soon as practicable after such votes have been passed. (Ord. 1914, ch. 38, § 12; Rev. Ords. 1946, ch. 2, § 62)

Sec. 2-50. Duty to furnish copies of proposals and ordinances relating to finance.

(a) The city clerk shall furnish to the budget director at least twenty-four (24) hours previous to any meeting of the city council, an exact copy of any proposed ordinance, resolution, rule or order of a financial nature which may appear on the docket as furnished by the city clerk to the members of the city council.

(b) The city clerk shall also furnish to the budget director, as soon as possible after final passage, a certified copy of all ordinances, resolutions, rules or orders which in any way relate to the financial situation of the city. (Ord. 1943, ch. 1174, § 12; Rev. Ords. 1946, ch. 2, § 64)

Sec. 2-51. Duty to prepare manual, superintend printing.

The city clerk shall prepare the city manual, and superintend all printing ordered by the city council. (Ord. 1914, ch. 38, § 12; Rev. Ords. 1946, ch. 2, § 65)

Sec. 2-52. Duty to act as clerk of committees.

The city clerk shall when no other provision is made, act as the clerk of all councilmanic committees. As said clerk of committees he shall make, or cause to be made by one of his deputies, proper records in books kept for that purpose of the proceedings and transactions of each committee, and shall perform such other duties and services for said committees as they may from time to time require. (Ord. 1914, ch. 38, § 12; Rev. Ords. 1946, ch. 2, § 66)

Sec. 2-53. Deputies and assistants.

There shall be two (2) deputy city clerks. The city clerk may employ such additional assistants, to assist him in the performance of his duties as such and as clerk of committees, as may be authorized by city council. Each deputy city clerk shall, within thirty (30) days after his appointment and approval by the city council, give bond to the city for the faithful performance of the duties of his office. (Ord. 1914, ch. 38, § 12; Rev. Ords. 1946, ch. 2, § 67)

Charter references—Deputies of department heads, § 4.18; deputies of city officers, § 4.19; clerks, assistants and other subordinates, § 4.20.
Cross reference—Bonds of employees, § 17-36 et seq.

Sec. 2-54. Duty of deputies as to committees.

The deputy city clerks shall also act as assistant clerks of committees and shall perform such service relative to the work of the clerk of committees as said clerk of committees may direct. In the absence or disability of the clerks of committees from any cause, the assistant clerks shall perform all his duties. (Ord. 1914, ch. 38, § 12; Rev. Ords. 1946, ch. 2, § 68)

Secs. 2-55—2-64. Reserved.

Article IV. City Treasurer*

Sec. 2-65. Duty to deposit with contracting depositories.

The city treasurer shall deposit to the credit of the city, immediately after the receipt thereof, all sums of money received by him as city treasurer, with such banks or trust companies as the committee on finance may designate for the deposit of the moneys of the city. (Ord. 1914, ch. 20, § 43; Rev. Ords. 1946, ch. 2, § 69)

State law reference—Designation of banks permitted to act as depositories, § 19-5-11, Gen. Laws 1956.

*Charter references—City treasurer, §§ 4.8, 4.9; finances, § 6.1 et seq.
Cross references—Return by director of public welfare of monthly receipts to treasurer, § 12-33; revenue and finance generally, § 21-1 et seq.; contracts, purchases and sales, § 21-26 et seq.; funds, § 21-63 et seq.; relocation payments, § 21-97 et seq.

Sec. 2-66. Accounts to be kept.

The city treasurer shall not be required to keep accounts with appropriations, but shall keep such accounts only as may be necessary to show the complete cash transactions of his office. (Ord. 1914, ch. 20, § 44; Rev. Ords. 1946, ch. 2, § 70)

Sec. 2-67. Daily record of receipts to be kept.

The city treasurer shall daily record in duplicate the receipts of his office, and shall certify the duplicate to the city controller on the next business day following. (Ord. 1914, ch. 20, § 44; Rev. Ords. 1946, ch. 2, § 71)

Sec. 2-68. Duty to credit yearly account with receipts.

The city treasurer shall credit in the accounts of each fiscal year all money belonging to the receipts of said year that shall be paid to the city treasurer on or before the close of business on September thirtieth in each fiscal year. (Ord. 1940, ch. 1026, § 1; Rev. Ords. 1946, ch. 2, § 72)

Sec. 2-69. Semiannual report of receipts, disbursements, balances and status of city debt.

The city treasurer shall, on or before the 31st day of March and the 30th day of September in each year, make a report in print to the city council showing the receipts and disbursements during the preceding six-month period and the balance in the treasury, and a trial balance sheet of his ledger at the end of each such six-month period, and also the issues and payments of the city debt during the preceding six months. (Ord. 1914, ch. 20, § 46; Rev. Ords. 1946, ch. 2, § 73; Ord. 1950, ch. 393, § 1)

Sec. 2-70. Annual account.

The city treasurer shall make up his account annually on or before the first day of December, for the fiscal year ending on the thirtieth day of September preceding, which account

shall be presented to the city council on or before the first Monday in January following. (Ord. 1914, ch. 20, § 55; Rev. Ords. 1946, ch. 2, § 74)

Sec. 2-71. Issuance of notes.

(a) The city treasurer, under the advice and direction of the committee on finance, is hereby authorized to issue the notes of the city, which shall be signed by him and countersigned by the mayor and chairman of said committee, and such notes shall be recorded and signed by the controller.

(b) Such notes if issued and sold to other than the sinking fund, the employees' retirement system or other trust funds held by the city shall be payable on fixed dates. All notes issued and sold to the sinking fund, the employees' retirement system or other trust funds held by the city shall be demand notes with interest payable on the 15th day of June and December of each year.

(c) The city treasurer with the advice and consent of the committee on finance may apply the prevailing rate of interest to all notes so issued and sold. (Ord. 1914, ch. 20, § 47; Rev. Ords. 1946, ch. 2, § 75)

Charter reference—Provision requiring election, etc., for issuance of bonds, § 2.13.

State law reference—Issuance of duplicate bonds when bonds are damaged, P.L. 1939, ch. 668, § 2.

Sec. 2-72. Duties as to register of notes, bonds, other obligations.

Whenever any note, bond or other obligation of the city shall be issued, the city treasurer shall present the same to the city controller who shall record in a register all the particulars concerning same; and whenever any city note, bond or other obligation shall be paid or cancelled, the city treasurer shall immediately exhibit the same to the city controller, who shall thereupon record in said register that such payment or cancellation has been made. (Ord. 1914, ch. 20, § 48; Rev. Ords. 1946, ch. 2, § 76; Ord. 1950, ch. 360, § 1)

Cross references—Exchange of coupon bonds for registered bonds, § 21-7; exchange of registered bonds for coupon bonds, § 21-8.

Sec. 2-73. Execution of quitclaim deeds when property sold for taxes redeemed.

The city treasurer is authorized upon payment to him of the sums provided for in section 17 of chapter 32 of the General Laws of the State of Rhode Island, as amended by P. L. 1939, c. 695, and P. L. 1946, to execute for and in the name and behalf of the city a quitclaim deed which has the prior approval of the city solicitor, conveying to the person entitled to redeem said property all the right, title and interest of the city. (Ord. 1936, ch. 931, § 2; Rev. Ords. 1946, ch. 2, § 81)

Cross reference—Acceptance of money derived from real property purchased at tax sale, § 21-5.

Secs. 2-74—2-83. Reserved.

Article V. City Controller*

Sec. 2-84. Annual report; required, contents.

The city controller shall, on or before the first Monday in January in each year, present to the city council a printed report of the receipts and expenditures of the preceding fiscal year, giving in detail the amount of appropriations and expenditures for each specific object and the receipts from each source of income; and said report shall also contain a statement of the debts due from the city, the rates of interest thereon, and the times when the same will respectively become due; also a schedule of all real estate of the city, which schedule shall contain all real estate that was in the schedule presented in the year 1878, except so much thereof as the city shall have been divested of, either by authority of the city council or the action of a competent court, and the leases thereof, with the names of the lessees, the rates of rent, and the time when such leases respectively terminate;

*Charter reference—Appointment, duties of city controller, § 6.31.
Cross references—Certification of accounts of director of public welfare to controller, § 12-32; city controller to have custody of bonds of city officers, § 17-42; report of fees, financial reports to be furnished controller, § 21-10; certificates of bills and licenses to be filed with him, § 21-11; leases to be furnished to him, § 21-39; vendors to submit claims to him, § 21-46.

and the city controller shall omit no property from the schedule of the property of the city without being warranted so to do by the action of the city council or a competent court; also a summary of the inventories hereinafter mentioned, giving the valuation of all the personal property belonging to the city which may be in the custody of any officer or agent of the city, together with the names of the persons having charge of the same; and for this purpose the purchasing agent is hereby required to present to the city controller, on or before the first Monday in November in each year, a detailed inventory of all such property, enumerating the items and the valuation thereof. (Ord. 1914, ch. 20, § 37; Rev. Ords. 1946, ch. 2, § 85)

Sec. 2-85. Reports of officers receiving fees.

Each and every officer, board or commission, elected or appointed by the city council, or the mayor, or in any other manner, whose compensation or any part thereof is fixed by fees in lieu of salary, and each and every city officer, board or commission who shall receive any fees or make any charges for any certificates, copies of papers or documents, or for any work performed in furnishing or supplying information from the records, papers or documents belonging to the city under his or its custody, which are not required by law to be paid to the city treasurer, shall, on or before the fifth day of each month make a report to the city controller showing the amounts received during the last preceding calendar month from each of the herein mentioned sources, and also the amount of the expenses relative thereto incurred by such officer, board or commission. The city controller shall include in his annual report to the city council a statement of the amounts received and paid as returned to him under the provision of this section. (Ord. 1914, ch. 20, § 58; Rev. Ords. 1946, ch. 2, § 78)

Cross reference—Report of fees, financial reports to be furnished controller, § 21-10.

Sec. 2-86. Statement of accounts deposited with city collector for collection.

All officers and departments, when so requested by the city controller, shall furnish a statement in detail of all accounts deposited with the city collector for collection. (Ord. 1914, ch. 20, § 30; Rev. Ords. 1946, ch. 2, § 86)

Cross reference—Cancellation of uncollectible bills, § 21-12.

Sec. 2-87. Destruction of certain documents after six years.

The city controller may, under the advice and direction of the finance committee, destroy vouchers for payments that have been on file in his department six (6) years or more; copies of contracts and agreements on file in his department the terms of which have been completed six (6) years or more; and such letters and other miscellaneous papers, that have been on file in his department six (6) years or more, as said finance committee shall deem to be of no permanent value. (Ord. 1946, ch. 1451, § 1; Rev. Ords. 1946, ch. 2, § 88; Ord. 1954, ch. 846, § 1)

Secs. 2-88—2-97. Reserved.

Article VI. City Solicitor*

Sec. 2-98. Annual reports; required, contents.

Annually in the month of April of each year, the city solicitor shall make a report in writing to the city council of all civil suits or legal proceedings in which the city has any interest, begun, pending or determined during the year next preceding the time of making such report; and in such report shall state the names of the parties, the nature of such actions, the date when each suit or proceeding was begun and before what court or tribunal, the amount of the judgment rendered, if any, and in whose favor, and the con-

*Charter reference—Department of law, § 5.1 et seq.

Cross references—City solicitor to assist inspectors in investigation of fires, § 9-29; employment of collection attorneys authorized, § 21-6; city solicitor to approve form of contracts and purchases, § 21-36; to approve form of agreement for purchase of land, § 21-43.

dition of all pending suits or proceedings, with such other information as the city solicitor may deem necessary. (Ord. 1914, ch. 38, § 17; Rev. Ords. 1946, ch. 2, § 57)

Sec. 2-99. Compromising claims for damages.

The city solicitor is authorized in his discretion, with the approval of the chairman of the committee on claims and pending suits of the city council, to settle any claims against the city for damages and injuries due to or occasioned by the negligence of the city or of any officer, agent or employee of the city whenever any such claim may be settled for a sum not exceeding one hundred dollars ($100.00). (Ord. 1926, ch. 501, § 1; Rev. Ords. 1946, ch. 2, § 59)

Sec. 2-100. Salaries and expenses.

The salary of the city solicitor as fixed by the city council shall be in full compensation of all official services required of the city solicitor; but whenever the attendance of the city solicitor or either of his assistants is required out of the city, they shall be allowed reasonable traveling expenses. (Ord. 1914, ch. 38, § 18; Rev. Ords. 1946, ch. 2, § 58)

Secs. 2-101—2-110. Reserved.

Article VII. Department of Public Works*

Sec. 2-111. Annual report; required, contents.

The director of public works shall, on or before the first Monday in January of each year, present to the city council a report showing the nature, condition and cost in detail of

*Charter references—Department of public works, § 5.23 et seq.; finances, § 6.1 et seq.

Cross references—Duties of director of public works in relation to garbage collection and disposal, § 12-48 et seq.; duties relative to explosives and blasting, § 9-74 et seq.; duty to supervise railroad work on streets, § 19-17; to give approval to alteration in sewerage or drainage system, § 19-19; authority, power, etc., with reference to construction and repair of sidewalks, § 23-59 et seq.; director to review applications for underground installations, § 23-103.

State law reference—Special act as to powers and duties of the former commissioner of public works, P.L. 1880, ch. 815.

all work ordered, performed or contracted for by him in the several departments under his direction and control, during the fiscal year ending on the thirtieth day of September preceding said first Monday in January in each year. (Ord. 1914, ch. 49, § 8; Rev. Ords. 1946, ch. 2, § 89)

Sec. 2-112. Report by director on highway matters.

The director of public works shall take into consideration, and report as soon as practicable, upon all matters or questions relating to highway work in said city referred to him by the mayor, the city council, or the committee on public works of the city council. (Ord. 1914, ch. 49, § 12; Rev. Ords. 1946, ch. 2, § 90)

Sec. 2-113. Director to superintend work on streets and sidewalks.

The director of public works shall superintend the opening, widening, straightening, laying out, cleaning, repairing and paving of all the streets and highways of the city, the setting of curbstones and the paving of gutters therein, the establishment or alteration of grades of streets, the ordering of new sidewalks, and the alteration and repairing of sidewalks already established. (Ord. 1914, ch. 49, § 11; Rev. Ords. 1946, ch. 2, § 91)

Sec. 2-114. Director to superintend numbering streets and placing of signs.

The director of public works shall superintend the numbering and renumbering of streets, and the placing of street signs, when required by the city council. (Ord. 1914, ch. 49, § 11; Rev. Ords. 1946, ch. 2, § 92)

Sec. 2-115. Accounting for property, employing labor.

The director of public works shall keep an accurate detailed account of all property belonging to the city which shall come into his possession; and he may employ such labor and hire such equipment as may be necessary for the use of his de-

partment, and may sell or exchange any equipment or materials not required by him. (Ord. 1914, ch. 49, § 15; Rev. Ords. 1946, ch. 2, § 98)

Sec. 2-116. Acquisition of turbine and boiler insurance at incinerator building.

The director of public works is hereby authorized to acquire on behalf of the city turbine and boiler insurance at the incinerator building at Field's Point. (Ord. 1941, ch. 1082, § 1; Rev. Ords. 1946, ch. 2, § 97)

Sec. 2-117. General powers and duties of director.

The director of public works shall continue to have and exercise all the powers and authority heretofore conferred upon him by the several acts of the General Assembly and the ordinances of the city, including the powers conferred upon the board of public works by section 1 of chapter 4 of the General Ordinances which took effect January 1, 1887. (Ord. 1914, ch. 49, § 1; Rev. Ords. 1946, ch. 2, § 101)

Sec. 2-118. Authority of director as to obstructions of streets, highways.

(a) The director of public works, subject to the control of the city council, may make such orders as he may deem expedient, directing the owners of land adjacent to any public street or highway to build or alter any wall or fence separating such land from said street or highway, or to remove from the highway any step, stairway, post, cellar door, swinging gate, swinging door or other obstruction thereon, within such time as the said director shall in such order direct.

(b) Any person who shall refuse or neglect to obey such order within five (5) days after said order has been served upon him in writing, shall be deemed guilty of an offense. (Ord. 1914, ch. 30, § 3; Rev. Ords. 1946, ch. 2, § 99)

Sec. 2-119. Division of relocation—Established, organized.

Within the department of public works there shall be a division of relocation, the head of which shall be an adminis-

trator appointed by the director of public works, and who shall hold office at his pleasure. The administrator shall appoint, subject to the approval of the director, such subordinate officers or employees, within the appropriation therefor, as may be required. (Ch. 2, § 201, added by Ord. No. 1958, ch. 1219, § 1)

Cross reference—Relocation payments, § 21-97 et seq.

Sec. 2-120. Same—Functions and services.

The division of relocation shall have and perform all functions and services in connection with the relocating of families and businesses displaced as a result of any public works project undertaken in the city. (Ch. 2, § 202, added by Ord. 1958, ch. 1219, § 2)

Secs. 2-121—2-130. Reserved.

Article VIII. City Engineer*

Sec. 2-131. Duties generally.

The city engineer shall perform all such services for the city as properly come under the direction of a civil engineer or surveyor. (Ord. 1914, ch. 49, § 22; Rev. Ords. 1946, ch. 2, § 102)

Sec. 2-132. Consultation on matters of public improvement.

The city engineer shall be consulted on all matters relating to public improvements of every kind where the advice of an engineer or surveyor would be of service. (Ord. 1914, ch. 49, § 22; Rev. Ords. 1946, ch. 2, § 103)

Sec. 2-133. Authority as to structures and public works.

The city engineer shall take charge of all such structures and public works of the city as the director of public works may direct; and under his direction he shall prepare all plans

*Charter references—Appointive officers and employees, § 4.1 et seq.; provision making deputy director of public works ex officio city engineer and defining his duties generally, § 5.24.

and specifications for such structures and public works, and shall prepare or cause to be prepared all contracts for the same. (Ord. 1914, ch. 49, § 22; Rev. Ords. 1946, ch. 2, § 104)

Cross references—Public works, § 23-40 et seq.; construction and repair of sidewalks, § 23-59.

Sec. 2-134. Duty to measure, certify work done for city.

The city engineer shall measure or cause to be measured all work done by contract for the city, and shall certify to the same. (Ord. 1914, ch. 49, § 22; Rev. Ords. 1946, ch. 2, § 105)

Sec. 2-135. Duties in relation to streets.

The city engineer shall prepare all such plans, statements and estimates, and furnish all such information, in relation to the grading, laying out, enlarging, straightening or otherwise altering streets, as may be required by the city council, or any committee of the city council, or by the director of public works, and shall, whenever required, furnish the city solicitor with all necessary descriptions of land. (Ord. 1914, ch. 49, § 23; Rev. Ords. 1946, ch. 2, § 106)

Sec. 2-136. Duties in connection with sewers.

The city engineer shall prepare all plans for the construction of sewers, and perform all such duties in reference to the construction, repair or maintenance of the sewers of the city, as the director of public works or the city council may require. (Ord. 1914, ch. 49, § 24; Rev. Ords. 1946, ch. 2, § 107)

Cross references—Water and sewers, § 25-1 et seq.; sewer rents, § 25-50.

Sec. 2-137. Duty to furnish plats of streets and highways.

The city engineer shall furnish such plats relative to the streets and highways as may be required in the office of the city clerk. (Ord. 1914, ch. 49, § 28; Rev. Ords. 1946, ch. 2, § 109)

Sec. 2-138. Duty to keep record of highways.

The city engineer shall keep a record, alphabetically arranged, of all highways in the city. (Ord. 1914, ch. 49, § 28; Rev. Ords. 1946, ch. 2, § 110)

Sec. 2-139. Custody of plans; classification, indexing same.

The city engineer shall have the custody of all plans relative to all work under his charge, and shall keep the same properly classified and indexed. (Ord. 1914, ch. 49, § 28; Rev. Ords. 1946, ch. 2, § 108)

Sec. 2-140. Annual report; required, contents.

The city engineer shall annually, in the month of January, present to the city council a report in relation to the city engineer's department, in addition to other reports which he is herein required to make, showing the number of persons employed, the detailed expenses of the department, the general nature of the work, the condition of all structures that have come under his supervision, that are in process of construction or that have been completed during the year, and such other general information in relation to the same as he may deem expedient. He shall, if required, make an examination of the boundary lines of every parcel of land owned by the city, and shall present to the city council, on the second Monday in January in each year, a written report showing the date of his last examination of each estate, and whether any change has been made in the occupation lines thereof, and how long time has elapsed since such change took place. (Ord. 1914, ch. 49, § 27; Rev. Ords. 1946, ch. 2, § 111)

Secs. 2-141—2-150. Reserved.

Article IX. Traffic Engineering Department*

Sec. 2-151. Established.

There is hereby established a traffic engineering department of the City of Providence. (Ch. 2, § 188, added by Ord. 1948, ch. 163, § 1)

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*Charter reference—Appointive officers and employees, § 4.1 et seq.
Cross reference—Motor vehicles and traffic, § 15-1 et seq.

Sec. 2-152. Traffic engineering advisory committee; composition, meetings, powers.

There shall be a traffic engineering advisory committee consisting of the mayor, the finance director, the city solicitor, the director of public works, the chief of police, the city plan director, the public service engineer and the chairman of the city council committee on public works. Said traffic engineering advisory committee shall meet at the call of the mayor or traffic engineer for the purpose of considering matters proposed by the mayor or the traffic engineer. The committee shall have no administrative or regulatory powers. (Ch. 2, § 193, added by Ord. No. 1948, ch. 163, § 5)

Sec. 2-153. Traffic engineer; appointment, term, function.

The mayor shall appoint, subject to the approval of the city council, a qualified traffic engineer to serve as the head of the traffic engineering department, to hold office until his successor is appointed and qualified. On the first Monday in January of every odd-numbered year the mayor shall make such appointment for the term of two (2) years. Any vacancy occurring in the office of traffic engineer shall be filled in like manner by appointment by the mayor, subject to the approval of the city council. (Ch. 2, § 189, added by Ord. 1948, ch. 163, § 1; Ord. 1949, ch. 215, § 1; Ord. 1954, ch. 892, § 1)

Sec. 2-154. Appointment of deputy and assistants to traffic engineer.

The traffic engineer, subject to the approval of the mayor, may appoint such deputy, assistants and employees as the city council may determine, and he shall be charged with the administration of the traffic engineering department. (Ch. 2, § 190, added by Ord. 1948, ch. 163, § 2)

Sec. 2-155. Appointments under article to be exempt from classification plan of city.

Appointments made under authority of this article shall be exempt from the provisions of chapter 1209 of the ordinances

State law reference—Special act concerning authority of city to establish traffic engineering department, P.L. 1948, ch. 2067.

of 1943 as amended, entitled "An Ordinance Establishing a Classification Plan for the City of Providence", until such time as the city council may by ordinance otherwise provide. (Ch. 2, § 194, added by Ord. 1948, ch. 163, § 6)

Sec. 2-156. Powers and duties of traffic engineer.

(a) The traffic engineer shall have authority to make all needful rules and regulations for the regulation and control of traffic in the city not inconsistent with the laws of the state; provided however, that all regulations relative to the establishment of one-way streets shall first be approved by resolution of the city council, except that the traffic engineer without prior approval of the city council, but with approval of the mayor, may establish temporary or emergency one-way streets where construction projects or detours are involved.

(b) Without in any manner limiting the generality of the powers conferred under subsection (a), said traffic engineer shall have full authority to perform and carry out the following duties:

(1) Collect and analyze all traffic, physical and economic data needed to measure existing, and to estimate future, street and highway traffic characteristics and needs, including parking needs; and report recommendations thereon.

(2) Prepare and submit to the mayor plans for the proper location, function and operation of city highways, parking terminals and appurtenances thereto.

(3) Establish rules and regulations governing the use of public highways and public off-street parking facilities, which may be parking lots, garages or other structures. Without in any way limiting the generality of the foregoing, such rules and regulations may include the installation of traffic-control devices, designations of throughways and stop streets, of parking zones at the curb and in public off-street parking facilities and the manner and limit of their use, including areas for the installation of parking meters,

the establishment of parking fees and rates, designation of public carrier stands and stops, curb loading zones, crosswalks, safety zones, and streets at which drivers shall not make right or left turns, speed of vehicles, time of loading and unloading. (Ch. 2, § 191, added by Ord. 1948, ch. 163, §§ 2, 3; Ord. 1951, ch. 538, § 1; Ord. 1958, ch. 1233, § 1)

Sec. 2-157. Preservation of existing laws, ordinances, rules and regulations until changed by traffic engineer.

All existing laws, ordinances, rules and regulations governing the regulation and control of traffic, including parking, shall remain in full force and effect until changed by the traffic engineer. (Ch. 2, § 195, added by Ord. 1948, ch. 163, § 7)

Sec. 2-158. Drawings of proposed traffic facilities to be submitted to traffic engineer.

All design drawings prepared by other departments of the city government for the construction of proposed highways, bridges, parking terminal and other traffic handling facilities, shall be submitted to the traffic engineer for a review and recommendation, but nothing in this section shall be construed to prevent the city council from acting on such matters without such review or recommendation. (Ch. 2, § 192, added by Ord. 1948, ch. 163, § 4)

Sec. 2-159. Publication of rules and regulations.

Regulations made pursuant to this article shall be promulgated by publication at least once in some newspaper published in the city, and the traffic engineer shall have printed copies thereof available for distribution to the public. (Ch. 2, § 196, added by Ord. 1948, ch. 163, § 8)

Secs. 2-160—2-169. Reserved.

Article X. City Sergeant and City Messenger*

Sec. 2-170. Offices of city sergeant and city messenger combined.

The city sergeant shall act as city messenger of the city and in addition to all services which he may be called upon to render in behalf of the city in his capacity as city sergeant, shall also perform all the duties now or hereafter prescribed by ordinance as duties of the city messenger. (Ord. 1923, ch. 365, § 1; Rev. Ords. 1946, ch. 2, § 114)

Charter reference—City sergeant as ex officio city messenger, § 4.17.

Sec. 2-171. Salary in lieu of fees.

The salary fixed for the city sergeant shall be in lieu of all his fees as city sergeant and in full compensation for all his services as city messenger. (Ord. 1923, ch. 365, § 1; Rev. Ords. 1946, ch. 2, § 115)

Sec. 2-172. Designated custodian and keeper of city's flags.

The city sergeant shall be the custodian and keeper of the city's national, the city's official and the city council's flags and colors. (Ord. 1941, ch. 1058, § 1; Rev. Ords. 1946, ch. 13, § 1)

Sec. 2-173. Duty to keep flags and colors in good order; repairs and replacements.

The city sergeant shall cause all such flags and colors, excepting those in charge of other departments of the city to be kept clean and in good order. He shall cause said flags and colors to be repaired and replaced with new ones when in his opinion the occasion demands it and at all times he shall have an extra flag or color of those authorized by this chapter. The cost of said repairs and replacements shall be

*Charter reference—City sergeant, §§ 4.16, 4.17.

Cross reference—Duties, authority of city sergeant as to flags and colors of city, § 2-308 et seq.

State law references—State law governing city sergeant, Gen. Laws, ch. 336, §§ 1—9; bribery of city sergeant, Gen. Laws, ch. 605, § 21; special act authorizing appointment of deputy city sergeants, P.L. 1917, ch. 1559.

provided for in the annual appropriation ordinance under the heading "Flags and Colors" in the appropriation for the city sergeant's department. (Ord. 1941, ch. 1058, § 2; Rev. Ords. 1946, ch. 13, § 2)

Sec. 2-174. Duty to fly national flag.

The said city sergeant shall cause the national flag to be flown from the large flagstaff on the roof of the city hall every pleasant day in the year, except Sundays, not longer than sunrise to sunset. (Ord. 1941, ch. 1058, § 4; Rev. Ords. 1946, ch. 13, § 4)

Sec. 2-175. Service of writs, summonses and other legal processes as city sergeant.

The city sergeant shall serve all writs, summonses and other legal processes issued for or in behalf of the city that lawfully may be served by him, except that the city solicitor may, in his discretion, cause any such processes to be served by any duly qualified police constable. (Ord. 1923, ch. 365, § 1; Rev. Ords. 1946, ch. 2, § 116)

Sec. 2-176. Duty to attend meetings of council.

The city messenger shall attend all meetings of the city council, and all meetings of any committee of the city council whenever requested so to attend by the chairman thereof. (Ord. 1922, ch. 329, § 1; Rev. Ords. 1946, ch. 2, § 120)

Sec. 2-177. Duty to attend daily at office.

The city messenger shall be daily in attendance at his office during ordinary business hours when not elsewhere officially employed. (Ord. 1922, ch. 329, § 1; Rev. Ords. 1946, ch. 2, § 121)

Sec. 2-178. Service of messages, summonses and notices as city messenger.

The city messenger shall deliver and execute all messages, summonses and notices from the mayor, the city council, the

city clerk, the clerk of committees, the city solicitor, the city treasurer, or the city controller. (Ord. 1922, ch. 329, § 1; Rev. Ords. 1946, ch. 2, § 119)

Sec. 2-179. Custody and distribution of documents, pamphlets, books.

The city messenger shall have the care, custody and distribution of all documents, pamphlets and books printed for the city council. (Ord. 1922, ch. 329, § 1; Rev. Ords. 1946, ch. 2, § 117)

Sec. 2-180. Custody of city hall and city property.

The city messenger shall have the general custody of the city hall building and the city property therein, including elevators and steam apparatus. (Ord. 1922, ch. 329, § 1; Rev. Ords. 1946, ch. 2, § 118)

Sec. 2-181. Duties as to care, superintendence of city hall and offices.

The city messenger shall have the care and superintendence of the city hall, and of the offices in the same, and he shall see that they are at all times kept clean; provided however, that he shall not make any assignment, reassignment, distribution or redistribution of offices or office space in the city hall to any officer or department therein except with the approval of the city council. For this purpose he is empowered to employ such janitors, watchmen, engineers, mechanics, and other assistants as he may find necessary, and to discharge them at his pleasure, subject, however, to the ordinances governing the qualifications, classification and compensation of employees of the city, as the same may be amended from time to time. He shall see that the city hall and the offices therein are kept supplied with all things needed for ordinary use, except stationery. He shall be empowered to call upon the bureau of police and fire for such detail of police as may be required for the protection of the city hall and the property therein and for the maintenance of order in and about the same. (Ord. 1922, ch. 329, § 1; Rev. Ords. 1946, ch. 2, § 122)

Sec. 2-182. Duty to keep city hall open during specified hours.

(a) The city messenger shall see that the outer doors of the city hall are opened every day, except Sundays and legal holidays, at 9:00 a.m. and are with the exception of the Fulton Street door closed every day except Saturday at 5:00 p.m. and every Saturday at 12:00 noon, provided that from the first Monday in July to the first Monday in September, inclusive, of each year, said doors shall be closed at 4:00 p.m. instead of 5:00 p.m. He shall keep open such other outer doors of the building, and during such time, as the mayor may in writing request and specify.

(b) He shall see that one or more police officers are on duty to prevent the ingress of improper persons so long as any of the outer doors of the building remain open. (Ord. 1922, ch. 329, § 1; Ord. 1931, ch. 804, § 1; Rev. Ords. 1946, ch. 2, § 123; Ord. 1947, ch. 1622, § 1)

Sec. 2-183. Monthly reports of expenditures, obligations.

The city messenger shall make a monthly report in writing to the city council containing a detailed statement of the expenditures and obligations incurred in the care and superintendence of the city hall and adjacent sidewalks. (Ord. 1922, ch. 329, § 1; Rev. Ords. 1946, ch. 2, § 124)

Secs. 2-184—2-193. Reserved.

Article XI. Superintendent of Public Buildings*

Sec. 2-194. General duties and records.

The superintendent of public buildings shall have the powers and duties prescribed by statute and by the ordinances of the city. He shall give his entire time to the duties of his office. He shall keep full and complete records of all buildings, structures, monuments, flagpoles, fences, grounds and lands, and the fixtures and appurtenances thereof, to which his duties pertain, and of the work done thereon or pertaining thereto, and of all expenses and receipts of his department. (Ord. 1921, ch. 314, § 1; Rev. Ords. 1946, ch. 2, § 112)

*Charter reference—Appointive officers and employees, § 4.1 et seq.

Sec. 2-195. Maintenance, custody, inspection of indexes, books and records.

The superintendent of public buildings shall maintain a suitable index system showing relative to each estate and building within his charge, the work done thereon or relative thereto and the cost thereof so far as practicable. All books, records and papers of his department shall be kept in his office, and at all reasonable times shall be open to the inspection of the mayor, city controller and any member of the city council. (Ord. 1914, ch. 38, § 30; Rev. Ords. 1946, ch. 2, § 113)

Secs. 2-196—2-205. Reserved.

Article XII. Superintendent of Weights and Measures*

Sec. 2-206. Salary, fees of superintendent.

The superintendent of weights and measures shall receive, for the use of the city, for all services rendered by him, the fees and expenses provided by law. The salary of the superintendent of weights and measures fixed in lieu of fees shall be in full compensation for his duties. (Ord. 1914, ch. 38, § 34; Rev. Ords. 1946, ch. 2, § 132)

Sec. 2-207. Approval of accounts.

All accounts of the superintendent of weights and measures shall be approved monthly by the commissioner of public safety. (Ord. 1914, ch. 38, § 35; Rev. Ords. 1946, ch. 2, § 136)

Sec. 2-208. Deputies; appointment, duties.

The superintendent of weights and measures, biennially in January of each odd-numbered year shall appoint, subject

*Charter reference—Superintendent of weights and measures, § 4.23.
Cross references—Seal of department of weights and measures, § 2-348; weights and measures, § 26-1 et seq.
State law reference—Treatment of weights and measures under state law, chs. 47-1—47-14, Gen. Laws 1956.

to the approval of the commissioner of public safety, a deputy sealer of weights and measures, a second deputy sealer of weights and measures, a deputy city weigher and a second deputy city weigher, who shall assist the superintendent of weights and measures in the duties of his offices as sealer of weights and measures and city weigher, respectively. In the absence or disability of the superintendent of weights and measures, the deputy sealer of weights and measures shall have all his powers and duties. (Ord. 1927, ch. 558, § 1; Rev. Ords. 1946, ch. 2, § 125)

Secs. 2-209—2-218. Reserved.

Article XIII. Superintendent of Vehicles*

Sec. 2-219. Appointment.

The commissioner of public safety from time to time shall select one of the police constables of the city to act under his direction as superintendent of vehicles. (Ord. 1927, ch. 583, § 1; Rev. Ords. 1946, ch. 2, § 139)

Sec. 2-220. General duties.

The superintendent of vehicles shall have the general superintendence of all vehicles of every description required to be licensed, whether said vehicles are used for the conveyance of passengers or the transportation of merchandise in the city, and he shall have the powers and duties prescribed for him by ordinance and such other duties as may be prescribed from time to time by the bureau of police and fire. (Rules of Bd. of Ald., ch. 3, r. 7; Ord. 1927, ch. 583, § 1; Rev. Ords. 1946, ch. 2, § 140)

Sec. 2-221. Duty to devote entire time to business; office hours.

The superintendent of vehicles shall devote his whole time to the business of his department, and shall be at his office,

*Charter reference—Appointive officers and employees, § 4-1 et seq.
Cross reference—Municipal garage, § 15-86 et seq.

daily from 9:00 a.m. to 10.00 a.m., and from 2:00 p.m. to 3:00 p.m., for the transaction of business connected with licensed vehicles. (Rules of Bd. of Ald., ch. 3, r. 8; Rev. Ords. 1946, ch. 2, § 141)

Sec. 2-222. Duty to make quarterly reports.

The superintendent of vehicles shall make reports to the commissioner of public safety on the first Mondays in March, June, September and December in each year, of the business of his department. (Rules of Bd. of Ald., ch. 3, r. 14; Rev. Ords. 1946, ch. 2, § 147)

Sec. 2-223. Duty to investigate, report applications for licenses.

The superintendent of vehicles shall investigate all applications for licenses relating to vehicles, and report thereon to the mayor. (Rules of Bd. of Ald., ch. 3, r. 9; Rev. Ords. 1946, ch. 2, § 142)

Sec. 2-224. Duty to issue licenses; collections and records.

The superintendent of vehicles shall issue all licenses when granted, collect the fee therefor and pay the same to the city collector, and shall keep a full and complete record of the name and place of residence of the owner of such vehicle, with the number and description thereof. (Rules of Bd. of Ald., ch. 3, r. 10; Rev. Ords. 1946, ch. 2, § 143)

Sec. 2-225. Duty to enforce ordinances and conditions of licenses.

The superintendent of vehicles shall see that the provisions of the licensing ordinances relative to vehicles and the conditions of the licenses granted in accordance therewith are enforced and observed. (Rules of Bd. of Ald., ch. 3, r. 11; Rev. Ords. 1946, ch. 2, § 144)

Sec. 2-226. Investigation, reports of complaints.

The superintendent of vehicles shall promptly investigate all complaints that may be made to him of violations of the

ordinances or conditions, or of any irregularities in his department that may come to his knowledge, keeping a record of all such complaints and irregularities, together with his doings thereon. He shall also make a report thereof to the mayor at such times as he may require. (Rules of Bd. of Ald., ch. 3, r. 12; Rev. Ords. 1946, ch. 2, § 145)

Sec. 2-227. Additional duties.

The superintendent of vehicles shall perform such duties in addition to those prescribed in this article as the mayor, chief or deputy chief of police from time to time may order. (Rules of Bd. of Ald., ch. 3, r. 13; Rev. Ords. 1946, ch. 2, § 146)

Secs. 2-228—2-232. Reserved.

Article XIV. Public Service Engineer*

Sec. 2-233. Scope of authority of public service engineer.

The public service engineer shall have general supervision of all electrical and gas machinery, apparatus, appliances, fixtures and installation now or hereafter made in, on, over, across or under the public estates and buildings of the city and of the location, installation, construction and maintenance of all poles, wires, cables, conduits, subways, manholes, pipes, and other electrical and gas fixtures, apparatus, appliances and appurtenances, now or hereafter installed pertaining to the fire alarm and police signal systems of the city or now or hereafter installed in, on, over, across or under the streets and other public places in the city by any public service company or by any corporation or any other person for the purpose of conducting or furnishing electricity or gas for light, heat or power or for railroad motive power or for

*Charter reference—Appointive officers and employees, § 4.1 et seq.
Cross references—Powers and duties as to engineers and boiler operators, § 14-85 et seq.; supervision of railroads, cars thereof, etc., by public service engineer, § 19-4 et seq.; authority, duties as to poles, wires and similar installations, § 23-98 et seq.; authority over city lights, § 23-136; duty to keep maps showing locations of public electrical installations, § 23-142; duty to keep records, § 23-143.
State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

telephonic, telegraphic or signal purposes or for any other purpose, public or private. (Ord. 1929, ch. 700, § 3; Rev. Ords. 1946, ch. 26, § 3)

Sec. 2-234. Faithful discharge of duties required; salary.

The public service engineer shall be engaged to the faithful discharge of the duties of his office, shall devote his entire time to the duties of the office and shall receive such salary as may be fixed by the city council. (Ord. 1929, ch. 700, § 3; Rev. Ords. 1946, ch. 26, § 1)

Sec. 2-235. Appointment of deputy public service engineer.

On the first Monday in March, biennially in each odd-numbered year, the public service engineer may appoint, subject to the approval of the director of public works, a deputy public service engineer who shall hold office until his successor is appointed and qualified to act. (Ord. 1929, ch. 700, § 2; Rev. Ords. 1946, ch. 26, § 2)

Secs. 2-236—2-239. Reserved.

Article XV. City Plan Commission*

Sec. 2-240. Created, composition, appointment and term of members.

(a) There shall be a city plan commission for the city consisting of the mayor, ex officio, five (5) persons to be appointed by the mayor from citizens of the city who hold no salaried official positions in or under the city government, and who are interested in and have special qualifications for the work pertaining to city planning, and two (2) members

*Charter reference—Departments, boards, bureaus and commissions, § 5.1 et seq.
Cross reference—Zoning ordinance, amendments saved from repeal, § 27-1 et seq.
State law references—Authority of city to create plan commission, §§ 45-22-1, 45-22-2, Gen. Laws 1956; state law as to state planning board, including its duty to cooperate with city planning commissions, and duty of such commissions to report to state board, §§ 42-26-10—42-26-14, Gen. Laws 1956.

of the city council who shall be elected by said city council, to serve on said commission during their respective terms of office. In January of each year the mayor shall appoint some qualified person to succeed the member whose term then expires and said appointee shall thereafter hold office for the term of five (5) years.

(b) All members appointed by the mayor shall serve until their respective successors shall have been appointed and shall have qualified and the appointments shall be approved by the city council. (Ord. 1944, ch. 1269, § 1; Rev. Ords. 1946, ch. 8, § 1; Ord. 1957, ch. 1155, § 1)

Sec. 2-241. Filling vacancies.

Any vacancy occurring among the members of the city plan commission shall be filled for the unexpired term in the same manner as the original appointment or election. (Ord. 1944, ch. 1269, § 1; Rev. Ords. 1946, ch. 8, § 2; Ord. 1957, ch. 1155, § 1)

Sec. 2-242. Organization.

As soon as practicable after each annual appointment the city plan commission shall organize by electing from its own members a chairman, a vice-chairman and a secretary. (Ord. 1944, ch. 1269, § 1; Rev. Ords. 1946, ch. 8, § 3; Ord. 1957, ch. 1155, § 1)

Sec. 2-243. Members to serve without compensation.

No member of the city plan commission shall receive any compensation as such member or for any services rendered by the commission. (Ord. 1944, ch. 1269, § 1; Rev. Ords. 1946, ch. 8, § 4; Ord. 1957, ch. 1155, § 1)

Sec. 2-244. Regular and special meetings.

Regular meetings of the city plan commission shall be held at least monthly, on such day as the commission may determine, and special meetings may be held at any time at the call of the chairman and shall be called by the chairman upon

the written request of three (3) members. (Ord. 1944, ch. 1269, § 3; Rev. Ords. 1946, ch. 8, § 14; Ord. 1957, ch. 1155, § 1)

Sec. 2-245. Adoption of rules for transaction of business.

The city plan commission shall adopt rules for the transaction of business. (Ord. 1944, ch. 1269, § 3; Rev. Ords. 1946, ch. 8, § 15; Ord. 1957, ch. 1155, § 1)

Sec. 2-246. Appointment, term of city plan director, assistants, employees; experience of director.

The city plan commission shall appoint a city plan director for such term as it may deem desirable, and shall appoint such other assistants and employees as it may deem necessary. The city plan director shall have had before his appointment not less than five (5) years' experience in city planning. (Ord. 1944, ch. 1269, § 3; Rev. Ords. 1946, ch. 8, § 11; Ord. 1957, ch. 1155, § 1)

Sec. 2-247. Manner of appointment of employees.

Employees appointed by the city plan commission shall be appointed in accordance with the provisions of the charter and chapter 17 of this Code as heretofore or hereafter amended. (Ord. 1944, ch. 1269, § 3; Rev. Ords. 1946, ch. 8, § 12; Ord. 1957, ch. 1155, § 1)

Sec. 2-248. Employing outside consultants and incurring necessary expense therefor.

The city plan commission may employ outside consultants and incur any expense necessary therefor, but it shall not for any purpose contract for the payment of any sum of money or incur any expense greater than the amount then appropriated or available therefor. (Ord. 1944, ch. 1269, § 3; Rev. Ords. 1946, ch. 8, § 13; Ord. 1957, ch. 1155, § 1)

Sec. 2-249. General powers and duties.

The city plan commission shall make careful studies of the construction, resources, possibilities and needs of the city

with reference to its future and progressive development and particularly shall investigate and consider as to any present or pending civic problems involving the physical construction, arrangement or equipment of the city; the causes and prevention of congestion of population, habitation or travel in the city; the causes and prevention of slum districts and the improvement of any districts in the city which are run-down or decreasing in value; the public health or sanitary condition of the city and any public means or facilities for promoting the public health, comfort or welfare. (Ord. 1944, ch. 1269, § 2; Rev. Ords. 1946, ch. 8, § 5; Ord. 1957, ch. 1155, § 1)

Sec. 2-250. Adoption of general plan for city; hearing on adoption, amendment of plan.

The city plan commission shall make and adopt a general plan for the development and improvement of the city, and as a means toward that end it may also record its opinion as to the development of any area outside the city which in the judgment of the commission bears relation to the planning of the city. Before the adoption of any general plan or portions thereof or amendments thereto the commission may hold a public hearing thereon, and shall hold such public hearing upon the filing in the office of the city clerk of a petition for such public hearing signed by at least fifteen (15) citizens of the city. Notice of the pending adoption of any such plan or amendment on which the plan commission does not plan to hold a hearing on its own motion shall be published at least twice in a newspaper of general circulation in the city, the last such publication to take place at least ten (10) days before the date set for the adoption of such plan. Any petition for public hearing shall be filed in the office of the city clerk at least three (3) days before the date set for the adoption of such plan. When a public hearing is requested by petition, the commission shall not adopt such plan or amendment until after such public hearing thereon. (Ord. 1944, ch. 1269, § 2; Rev. Ords. 1946, ch. 8, § 6; Ord. 1957, ch. 1155, § 1)

Sec. 2-251. Adoption of plans for specific improvements and projects.

The city plan commission shall make plans and proposals for specific improvements and projects which it deems desirable for the city and its surrounding area, and recommend them to the appropriate authority. Such plans and proposals shall not become a part of the general plan until adopted as such. (Ord. 1944, ch. 1269, § 2; Rev. Ords. 1946, ch. 8, § 7; Ord. 1957, ch. 1155, § 1)

Sec. 2-252. Assistance from and cooperation with other departments.

The city plan commission shall have authority to call upon other departments of the city for assistance in city planning and shall cooperate with such other departments and with any commission or committee having charge of the investigation of any special matter referred to it by the city council. (Ord. 1944, ch. 1269, § 2; Rev. Ords. 1946, ch. 8, § 8; Ord. 1957, ch. 1155, § 1)

Sec. 2-253. Cooperation with finance director as to capital improvement budget and program.

The city plan commission shall collaborate with the finance director in the preparation and recommendation to the mayor and the city council, on or before June 1st of each year, of a capital improvement budget for the following year and a comprehensive five (5) year capital improvement program. (Ord. 1944, ch. 1269, § 2; Rev. Ords. 1946, ch. 8, § 9; Ord. 1957, ch. 1155, § 1)

Cross references—Contracts, purchases and sales, § 21-26 et seq.; public works, § 23-40 et seq.

Sec. 2-254. Making investigations, maps and studies; distribution of copies of plans and studies.

The city plan commission shall have authority to make such investigations, maps and studies relating to the planning of

the community as it may deem desirable. All plans and reports of the commission shall be first submitted to the city council. The commission shall thereafter have authority to publish and distribute copies of plans and reports for the purpose of promoting public interest in and understanding of its plans and reports. (Ord. 1944, ch. 1269, § 2; Rev. Ords. 1946, ch. 8, § 10; Ord. 1957, ch. 1155, § 1)

Sec. 2-255. Ordinances, resolutions affecting planning to be submitted to plan commission.

All proposed ordinances or resolutions of the city council which affect the city plan or concern the plan, design, character, extent, location or use of any public improvement or public property or change thereof, or concern zoning or other regulations affecting or controlling the use or development of land or otherwise coming within the functions of the city plan commission as set forth in this article, and all maps, plans or charts required to be submitted to the city council under the provisions of Chapter 987 of the Public Laws of 1913, before final passage thereof shall be submitted to the city plan commission for report and recommendation. If said commission shall fail to act within twenty-five (25) days, it shall be deemed to have approved such matter. The mayor, members or committees of the city council or department heads of the city may submit a proposed ordinance or resolution to the city plan commission prior to the introduction thereof in the council, and if such proposed ordinance or resolution shall be acted on by the commission prior to such introduction, it need not thereafter be referred back to the commission. Nothing herein contained shall be construed in any way to limit, restrict or prevent the city council from taking action on any ordinance or resolution contrary or adverse to the report or recommendation of the city plan commission. (Ord. 1944, ch. 1269, § 4; Rev. Ords. 1946, ch. 8, § 16; Ord. 1957, ch. 1155, § 1)

Secs. 2-256—2-263. Reserved.

Article XVI. Human Relations Commission*

Sec. 2-264. Established, organized.

(a) There shall be a Providence Human Relations Commission which shall consist of thirteen (13) members appointed by the mayor with the approval of the city council, to serve without compensation, who are broadly representative of the religious, racial and ethnic groups of the community.

(b) Of the thirteen (13) members first appointed, four (4) shall be appointed for one (1) year, four (4) for two (2) years and five (5) for three (3) years; thereafter all appointments to the commission shall be for a term of three (3) years. In the event of the death or resignation of any member, his successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

(c) The members shall elect a chairman, a vice-chairman and a secretary. (Ord. 1962, ch. 1570, § 1)

Sec. 2-265. Functions.

The functions of the human relations commission shall be:

(a) To foster mutual understanding and respect among all racial, religious and ethnic groups in the city;

(b) To encourage equality of treatment for and to recommend methods and procedures to prevent discrimination against any racial, religious or ethnic group or its members, particularly in the fields of housing, employment, education and accommodations, as may be useful to promote decent human relations and the full realization of American citizenship;

(c) To cooperate with governmental and nongovernmental agencies and organizations having like or kindred functions; and

*Charter reference—Departments, boards, bureaus and commissions, § 5.1 et seq.

(d) To make such investigations and studies in the field of human relations as in the judgment of the commission will aid in effectuating its general purposes. (Ord. 1963, ch. 1570, § 2)

Sec. 2-266. Powers and duties.

The powers and duties of the human relations commission shall be:

(a) To work together with federal, state and city agencies in developing courses of instruction, for presentation to city employees and others in public and private schools, public libraries, museums and other suitable places, on techniques for achieving harmonious intergroup relations within the city;

(b) To enlist the cooperation of the various racial, religious and ethnic groups, community organizations, labor organizations, fraternal and benevolent associations and other groups in the city, in programs and campaigns devoted to eliminating group prejudice, intolerance, bigotry and discrimination;

(c) To study the problems of prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby in all or any fields of human relationship;

(d) To receive and investigate complaints and to initiate its own investigations of:

(1) Racial, religious and ethnic group tensions, prejudice, intolerance, bigotry and disorder occasioned thereby;

(2) Discrimination against any person, group of persons, organization or corporation, whether practiced by private persons, associations, corporations, and, after consultation with the mayor, by city officials or city agencies;

(e) To issue publications and reports of investigations and research designed to promote goodwill and to minimize or eliminate prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby;

(f) To promote the establishment of local community organizations, when and where it may deem it desirable,

consisting of representatives of different groups in such community, to plan and carry out educational programs in such community;

(g) To create such advisory committees and subcommittees as in its judgment will aid in effectuating the purposes of this article and to empower them to study the problems of prejudice, intolerance, bigotry, disorder and discrimination in all or any fields of community relationship;

(h) To appoint an executive director with the approval of the mayor and such additional personnel as it may deem necessary and to prescribe their duties;

(i) To recommend to the mayor and to the city council legislation to aid in carrying out the purposes of this article;

(j) To submit an annual report to the mayor and the city council; and

(k) To adopt, amend, publish and rescind rules and regulations regarding the operation of the commission consistent with the powers and duties outlined. (Ord. 1963, ch. 1570, § 3)

Sec. 2-267. Right to hearing before commission.

No person shall be named in any report or investigation hereunder unless such person has been afforded an opportunity to be heard before the human relations commission and the right to examine and cross-examine witnesses. (Ord. 1963, ch. 1570, § 4)

Sec. 2-268. Cooperation of other city departments, agencies required.

So far as practicable and subject to the approval of the mayor, the services of all city departments and agencies shall be made available by their respective heads to the human relations commission for the carrying out of the functions herein stated. The head of any department or agency shall furnish information in the possession of such department or agency when the commission, after consultations with the mayor, so requests. (Ord. 1963, ch. 1570, § 5)

Secs. 2-269—2-278. Reserved.

Article XVII. Industrial Commission*

Sec. 2-279. Established, organized.

There shall be a commission, to be known as the Providence Industrial Commission, consisting of five (5) qualified electors of the city, to be appointed by the mayor and to serve at his pleasure. Members of said commission shall be representative of labor, management and such other interests as may be deemed necessary or desirable. (Ch. 2, § 153.1, added by Ord. 1954, ch. 842, § 1)

Sec. 2-280. Vacancies; compensation and expenses; secretary.

Vacancies on the Providence Industrial Commission shall be filled in the same manner as the original appointments were made. Said commission shall serve without compensation, but shall be allowed such necessary travel or incidental expense, as shall be consistent with its requirements and within the appropriation provided by ordinance. Said commission shall appoint a secretary who shall not be a member thereof, and who shall serve without compensation. (Ch. 2, § 153.2, added by Ord. 1954, ch. 842, § 1)

Sec. 2-281. Duties.

It shall be the duty of the Providence Industrial Commission to study and advise on the most practical approach to community industry development problems, including examination of such factors as would interest and attract industrialists or others who might be seeking an industrial plant site with the purpose of encouraging industry and employment in the city. In the exercise of the foregoing duty, said commission shall cooperate to the fullest possible extent with the development council of the state. (Ch. 2, § 153.3, added by Ord. 1954, ch. 842, § 2)

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*Charter reference—Departments, boards, bureaus and commissions, § 5.1 et seq.

Secs. 2-282—2-285. Reserved.

Article XVIII. Inspection of Payroll Lists*

Sec. 2-286. Right of inspection by taxpayers.

All payroll lists of city employees compiled or kept in the performance of official duty shall be made available by the city controller to any taxpayer of the city for the purpose of inspecting the same or for making written copies and/or abstracts thereof. (Ch. 2, § 88.1, added by Ord. 1948, ch. 68, § 1)

Sec. 2-287. Inspection subject to reasonable rules and regulations.

The inspection of payroll lists shall be subject at all times to reasonable regulation by the city controller as to the time, place and manner of making the same. (Ch. 2, § 88.2, added by Ord. 1948, ch. 68, § 2)

Sec. 2-288. Confidential nature of payroll lists.

No disclosure of city payroll lists shall be required or made while such lists are being used in any investigation or court proceeding by any officer or agency of the city. (Ch. 2, § 88.3, added by Ord. 1948, ch. 68, § 3)

Sec. 2-289. Misuse of information from payroll lists.

No person in the exercise of the privilege granted by sections 2-286 to 2-288 shall use the information obtained by inspection of payroll lists for the purpose of soliciting the employees named on said list or creating a mailing list for such purpose or for any comparable purpose, nor for the purpose of publishing any facts concerning any public official or employee which are solely of a personal or private nature or shall relate to the private business or to the finances of such

*Charter reference—Finances, § 6.1 et seq.
Cross reference—Compensation and other benefits for officers and employees, § 17-54 et seq.

official or employee and shall have no bearing, concern or relation to the conduct of his business or work as such official or employee. (Ch. 2, § 88.4, added by Ord. 1948, ch. 68, § 4)

Sec. 2-290. Penalty for misuse.

Any person who shall violate the provisions of section 2-289 hereof shall forfeit the privilege granted by sections 2-286 to 2-288 for a period of six (6) months thereafter and shall be subject to a penalty not exceeding two hundred dollars ($200.00) or thirty (30) days' imprisonment for each offense. (Ch. 2, § 88.5, added by Ord. 1948, ch. 68, § 5)

Secs. 2-291—2-295. Reserved.

Article XIX. Elections*

Sec. 2-296. Notice of ward and district meetings.

Notice of ward and district meetings to be held in the respective wards for the purpose of elections shall be given by the board of canvassers and registration, which notice shall be published for and during one week next before each day of election, in the newspapers employed to do the city advertising. (Ord. 1914, ch. 63, § 1; Rev. Ords. 1946, ch. 2, § 153)

Sec. 2-297. Board of canvassers and registration, offices.

The board of canvassers and registration shall continue to occupy their office in the city hall. (Ord. 1914, ch. 38, § 11; Rev. Ords. 1946, ch. 2, § 150)

State law references—State law on this subject making particular provisions as to City of Providence, chs. 17-8—17-11, Gen. Laws 1956; special act relating to board of canvassers and registrars, P.L. 1931, ch. 1804.

Sec. 2-298. Payment of primary officials.

Every primary warden and clerk appointed under the provisions of Title 17 of the Rhode Island General Laws, 1956, or any amendment thereof or addition thereto, shall be paid thirty dollars ($30.00) for services rendered at the polling

*Charter reference—Board of canvassers and registration, § 5.63 et seq.

place on primary day. Every supervisor appointed under said provisions of said Title 17 shall be paid twenty-five dollars ($25.00) for services rendered at the polling place on primary day. (Ord. 1943, ch. 1178, § 1; Rev. Ords. 1946, ch. 2, § 151; Ord. 1952, ch. 636, § 1; Ord. 1962, ch. 1471, § 1)

Sec. 2-299. Meals for officials at polling places during primaries.

The board of canvassers shall provide meals at the polling places for all primary officials and police officers on duty inside the polling places. (Ord. 1943, ch. 1178, § 1; Rev. Ords. 1946, ch. 2, § 151; Ord. 1952, ch. 636, § 1; Ord. 1962, ch. 1471, § 1)

Sec. 2-300. Payment of election officials.

Every warden and clerk appointed under the provisions of Title 17 of the Rhode Island General Laws, 1956, or any amendment thereof or addition thereto, shall be paid thirty dollars ($30.00) for services rendered at the polling place at elections. Every supervisor appointed under said provisions of said Title 17 shall be paid twenty-five dollars ($25.00) for services rendered at the polling place at elections. (Ord. 1943, ch. 1178, § 1; Rev. Ords. 1946, ch. 2, § 152; Ord. 1952, ch. 636, § 1; Ord. 1962, ch. 1472, § 1)

Sec. 2-301. Meals for officials at polling places during elections.

The board of canvassers shall provide meals at the polling places for all election officials and police officers on duty inside the polling places. (Ord. 1943, ch. 1178, § 1; Rev. Ords. 1946, ch. 2, § 152; Ord. 1952, ch. 636, § 1; Ord. 1962, ch. 1472, § 1)

Secs. 2-302—2-307. Reserved.

Article XX. Flags and Colors*

Sec. 2-308. Days for display of national flag.

An owner or lessee of property in the city is hereby authorized to display, from sunrise to sunset, a standard United States flag, three feet by five feet, upon a flagstaff inserted in and extending twelve feet above the top of said socket, upon the following days: The 12th day of February (Grand Army Flag Day in honor of the birthday of Abraham Lincoln), the 22nd day of February (Washington's Birthday), the 4th day of May (Rhode Island Independence Day), the 14th day of June (National Flag Day), the 30th day of May (Memorial Day), the 4th day of July (Independence Day), the 14th day of August (V-J Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Armistice Day) and such other days of national importance or patriotic significance as the mayor may from time to time designate. When any of said days falls upon Sunday, said owner or lessee may display said flag in the manner hereinbefore provided upon the following day. Said owner or lessee is also authorized to display upon said flagstaff the flag emblem of the American Red Cross upon such days as the mayor may from time to time designate. (Ord. 1935, ch. 909, § 1; Rev. Ords. 1946, ch. 13, § 23; Ord. 1949, ch. 216, § 1)

Sec. 2-309. Material and proportions of national flag.

The flag of the United States, referred to as the national flag and also known as the Stars and Stripes, shall be of suitable material and of the proportions designated by executive order of the President of the United States. The size of the national flag shall be the same as that of the post flag of the United States Army. (Ord. 1941, ch. 1058, § 3; Rev. Ords. 1946, ch. 13, § 3)

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*Cross references—City sergeant as custodian and keeper of city's flags, § 2-172; duty to keep flags and colors in good order, § 2-173; duty to fly national flag, § 2-174.

State law reference—Provisions of state law as to flags, §§ 11-15-1—11-15-3, Gen. Laws 1956.

Sec. 2-310. Position and use of national flag.

The national flag represents the living country and is considered as a living thing, the union being the honor point. The right arm is the sword arm and therefore the point of danger; hence, the right is the place of honor. The edge of the flag which is toward the staff is the heraldic dexter or right edge. The union of the flag, and the flag itself when in company with other flags, shall always be given the honor point, i.e., the marching right, the flag's own right, or an observer's left. When the national flag is carried, as in a procession, with another flag or with other flags, the place of the national flag shall be on the marching right, i.e., the left of an observer when the flag is approaching. When the national flag and another flag are displayed together from crossed staffs, as against a wall, the national flag shall be on the right, i.e., the flag's own right, or the left of an observer facing the wall, and its staff shall be in front of the staff of the other flag. When a number of flags are grouped and displayed from staffs the national flag shall be in the center, or at the highest point, of the group. When the national flag is hung either horizontally or vertically against a wall the union shall be uppermost and to the flag's own right, i.e., to the observer's left. In general, the national flag should be hung flat. It should not be festooned over doorways or arches, tied in a bowknot, or fashioned into a rosette. When used on a rostrum it should be displayed above and behind the speaker's desk. It should never be used to cover the speaker's desk or draped over the front of the platform. For this latter purpose, as well as for decoration in general, bunting of the national colors should be used, and, since the union of the flag always goes to the honor right, the colors should be arranged with the blue above, the white in the middle, and the red below. No lettering or object of any kind shall be placed on the national flag. No flag or pennant shall be flown above the national flag. (Ord. 1941, ch. 1058, § 10; Rev. Ords. 1946, ch. 13, § 10)

Sec. 2-311. National flag to be flown on city hall; size and equipment.

During every national legal holiday, during every state legal holiday, during parades and during days and occasions

the mayor or the city council may direct and order, but in no event longer than sunrise to sunset, the city sergeant shall cause a national flag to be flown over the main entrance of the city hall facing Exchange Place. The size of said national flag shall be the same as that of the United States Army national recruiting flag, five feet hoist by nine feet six inches fly. This flag may be equipped with a lath encased in the center stripe or device to prevent the flag from wrapping around the staff when displayed. (Ord. 1941, ch. 1058, § 8; Rev. Ords. 1946, ch. 13, § 7)

Sec. 2-312. Not more than one national flag on city hall.

Not more than one national flag or color shall be flown at the same time from the roof of the city hall. (Ord. 1941, ch. 1058, § 7; Rev. Ords. 1946, ch. 13, § 8)

Sec. 2-313. National flags used by departments.

Every board, commission and department head, who has jurisdiction of public parks, playgrounds, recreation fields, public buildings or other city property where the national flag is flown, shall be the custodian and keeper of the national flag or flags used by his or its respective departments. Said boards, commissions and department heads shall cause all such flags and colors to be kept clean and in good order and shall cause said flags and colors to be repaired and replaced with new ones when the occasion demands it. The cost of said repairs and replacements shall be charged to the respective appropriations for their respective departments. Said boards, commissions and department heads shall cause the national flag to be flown or displayed in said parks, playgrounds, recreation fields and on public buildings, under their respective jurisdiction, during every national legal holiday, during every state legal holiday and on days or occasions the mayor, the city council or said boards, commissions and department heads may direct and order, but in no event longer than sunrise to sunset. (Ord. 1941, ch. 1058, § 9; Rev. Ords. 1946, ch. 13, § 9)

Sec. 2-314. National flags for school property.

The committee on city property shall furnish all school premises hereafter acquired by the city with a national flag

and pole for the same, the expense of which shall be included in the cost of the building and its furnishings. (Ord. 1914, ch. 47, § 4; Rev. Ords. 1946, ch. 13, § 25)

Sec. 2-315. Display of national flag at half-staff.

No national flag, under the jurisdiction of any department head, board or commission of the city, as provided in this article, shall be displayed at half-staff unless explicitly so ordered by the mayor or the city council. On such occasions as the mayor or the city council may order the national flag to be displayed at half-staff it shall be first hoisted to the top of the staff and then lowered to the half-staff position. Before lowering the flag it shall be again raised to the top of the staff. Below the top of the staff (chock-a-block) is technically the half-staff position, but, in general, the middle point of the hoist of a flag at half-staff should, in the case of an unguyed flagstaff of one piece, be halfway between the top of the staff and the foot thereof, or, in the case of a flagstaff with crosstree or guy cables, halfway between the top of the staff and the crosstree or point of attachment of the guy cables. Local conditions, such as the liability of fouling the flag, may however, dictate other positions, a graceful one being with the top of the flag the depth of the hoist below the top of the staff. (Ord. 1941, ch. 1058, § 11; Rev. Ords. 1946, ch. 13, § 11)

Sec. 2-316. Lowering and folding national flag.

When the national flag is lowered from the staff, no portion of it shall be allowed to touch the ground, either in lowering or in folding. Before being completely detached from the halyards the flag should be folded into the shape of a cocked hat. (Ord. 1941, ch. 1058, § 12; Rev. Ords. 1946, ch. 13, § 12)

Sec. 2-317. Sockets in sidewalks for display of national flag.

For the purpose of providing for a uniform display of the United States flag on certain days, the owner or lessee of any property within the city is hereby authorized to install in the sidewalk in front of his premises one foot from the face of

the curb, at intervals of approximately twenty-five feet, sockets of such design and installed in such manner as shall be approved by the director of public works. (Ord. 1925, ch. 492, § 1; Rev. Ords. 1946, ch. 13, § 22)

Sec. 2-318. Approval of installation of sockets; responsibility for damage; removal of sockets.

No person shall install any socket in the sidewalk of any public highway without the approval of the director of public works, and no person shall use any such socket for holding any staff, banner or device of any kind except a staff from which shall be displayed the flag of the United States, nor use such socket for the display of the flag of the United States except on the days and hours herein authorized. Such owner or lessee shall be responsible to the city for any and all damages suffered by it in consequence of damages to persons or property by reason of any negligence or defect in the construction of such sockets, or for allowing the same to be or remain out of repair. The director of public works is hereby authorized to cause such sockets or any of them to be removed, if in his opinion their condition at any time render the sidewalks dangerous. (Ord. 1925, ch. 492, § 3; Rev. Ords. 1946, ch. 13, § 24)

Sec. 2-319. Material and proportions of city flag.

The flag of the city shall be of silk and the color shall be dark blue. In the center of the flag there shall be a white circle thirty-six inches in diameter. The seal of the city shall be embroidered on or painted in natural colors in the said white circle. In general all lettering and numbering shall be in gold and shall always read from left to right, regardless of the position of the observer. The flag shall be trimmed on three edges with a knotted gold colored fringe of silk two and one-half inches wide. The flag of the city shall be alike on both sides, but reversed with respect to the observer, i.e., every point on one side shall be exactly opposite the corresponding point on the other side. There shall be no right or wrong

side nor front or back to the city flag. It shall be customary, however, when describing the flag always to place the heading, tabling, staff or pike to the heraldic dexter or right (observer's left). The size of the city flag shall be four feet four inches on the pike and five feet six inches fly and shall be carried on a suitable wooden pike nine feet six inches in length inclusive of the staff head and ferrule. The pike shall be equipped with a tube or tunnel heading. The staff head on the pike shall be a gold colored eagle with spread wings, of suitable design, size and material. Attached below the eagle head of the pike shall be a cord eight feet six inches in length, with a tassel at each end. The cord shall be of silk strands of dark blue and white and the tassels shall be of gold. (Ord. 1941, ch. 1058, § 14; Rev. Ords. 1946, ch. 13, § 14)

Sec. 2-320. Display of city flag in chamber of council, mayor's office.

The city sergeant shall cause the city flag to be displayed in the chamber of the city council and it shall have a position to the right of the presiding officer. A similar city flag shall be displayed in a suitable place in the mayor's office. (Ord. 1941, ch. 1058, § 15; Rev. Ords. 1946, ch. 13, § 15)

Sec. 2-321. Display of city flag on city hall; material and dimensions.

The city sergeant shall cause the city flag to be flown from the northerly side of the tower or from the northerly side of the roof of the city hall on every day the city council holds a regular or a special session from 9:00 a.m. until after adjournment of the city council. Said city flag to be flown from the tower or roof of the city hall shall be of wool bunting ten feet hoist by fifteen feet fly and shall be of the same design and appropriate proportions as the city flag displayed in the chamber of the city council, except that this flag shall not have cord, tassels or knotted fringe. (Ord. 1941, ch. 1058, § 16; Rev. Ords. 1946, ch. 13, § 16)

Sec. 2-322. Mayor may authorize display of city flag.

The mayor shall have the power and authority to order the city flag flown and displayed on occasions and at places other than those authorized by this article. (Ord. 1941, ch. 1058, § 17; Rev. Ords. 1946, ch. 13, § 17)

Sec. 2-323. Material and proportions of city council flag.

The flag of the city council shall be of silk and the color shall be white. A dark blue stripe three inches wide, shall be fesswise on the upper and lower edge of said flag. These blue stripes represent the old Providence Plantations which ran in narrow strips of land from the river. In the center of the flag there shall be a dark blue circle twenty-nine and one-half inches in diameter. The seal of the city council shall be embroidered on or painted, in gold colors in the dark blue circle. In a circle thirty-eight inches in diameter, outside and around the city council seal shall be one gold star for each ward of the city. Said stars shall be of five points and two and three-quarters inches in diameter. In general all lettering and numbering shall be in gold and shall always read from left to right, regardless of the position of the observer. The flag shall be trimmed on three edges with knotted gold colored fringe of silk two and one-half inches wide. The flag of the city council shall be alike on both sides, but reversed with respect to the observer, i.e., every point on one side shall be exactly opposite the corresponding point on the other side. There shall be no right or wrong side nor front or back to the city council flag. It shall be customary, however, when describing the flag always to place the heading, tabling, staff or pike to the heraldic dexter or right (observer's left). The size of the city council flag shall be four feet four inches on the pike by five feet six inches fly and shall be carried on a suitable wooden pike nine feet six inches in length inclusive of the staff head and ferrule. The pike shall be equipped with a tube or tunnel heading. The staff head on the pike shall be a gold colored eagle with spread wings, of suitable design, size and material. Attached below the eagle head of the pike shall be a cord eight feet six inches in length, with a tassel

at each end. The cord shall be of silk strands of dark blue and white and the tassel shall be of gold. (Ord. 1941, ch. 1058, § 18; Rev. Ords. 1946, ch. 13, § 18)

Sec. 2-324. Display of city council flag in chamber of council.

The city sergeant shall cause the city council flag to be displayed in the chamber of the city council, and it shall have a position to the left of the presiding officer. (Ord. 1941, ch. 1058, § 19; Rev. Ords. 1946, ch. 13, § 19)

Sec 2-325. Display of city council flag on city hall; material and dimensions.

The city sergeant shall cause the city council flag to be flown from the southerly side of the tower or from the southerly side of the roof of the city hall on every day the city council holds a regular or special session, from 9:00 a.m. until after adjournment of the city council. Said city council flag, to be flown from the tower or roof of the city hall, shall be of wool bunting ten feet hoist by fifteen feet fly and shall be of the same design and appropriate proportions as the city council flag displayed in the chamber of the city council, except that this flag shall not have cord, tassels or knotted fringe. (Ord. 1941, ch. 1058, § 20; Rev. Ords. 1946, ch. 13, § 20)

Sec. 2-326. Mayor may authorize display of city council flag.

The mayor shall have the power and authority to order the city council flag flown and displayed on occasions and at places other than those authorized by this article. (Ord. 1941, ch. 1058, § 21; Rev. Ords. 1946, ch. 13, § 21)

Sec. 2-327. Size of national storm flag.

The size of the national storm flag shall be the same as that of the storm flag of the United States Army, five feet hoist by nine feet six inches fly. (Ord. 1941, ch. 1058, § 5; Rev. Ords. 1946, ch. 13, § 5)

Sec. 2-328. Time to fly national storm flag.

The city sergeant shall cause the storm flag to be flown from the large flagstaff on the roof of the city hall on stormy and windy days in place of the national flag. (Ord. 1941, ch. 1058, § 6; Rev. Ords. 1946, ch. 13, § 6)

Sec. 2-329. Inspection of flagstaffs and flagpoles.

The inspector of buildings shall annually during the month of April make a thorough inspection of every flagstaff and flagpole used by every board, commission and department of the city, and render a written report, together with recommendations to said boards, commissions and department heads regarding the condition and safety of said flagstaffs and flagpoles under their respective jurisdiction. (Ord. 1941, ch. 1058, § 13; Rev. Ords. 1946, ch. 13, § 13)

Secs. 2-330—2-334. Reserved.

Article XXI. Municipal Seals

Sec. 2-335. Description of city seal.

The seal of the city shall consist of two circles with a common center point. The smaller or inner circle shall be one and three-eighths inches in diameter, and shall have a raised roped circumference, approximately three sixty-fourths of an inch in thickness. The larger or outer circle shall be two inches in diameter and shall have a raised sawtooth circumference, approximately three thirty-seconds of an inch in thickness. Between the circumferences of the said two circles, reading clockwise, shall be the words: SEAL OF THE CITY OF PROVIDENCE, preceded and followed by a small raised five pointed star, and said words shall be composed of raised capital Roman letters one-eighth of an inch in height (ten point). In the lower part of the space between the said circumferences of the said two circles, reading counterclockwise, there shall be the words and figures: FOUNDED 1636. Said words and figures shall be composed of raised capital Roman letters one-sixteenth of an inch in height (six point).

Under said words, FOUNDED 1636, reading counterclockwise, there shall be the words and figures: INCORPORATED 1832. Said words and figures shall be composed of raised capital Roman letters one-sixteenth of an inch in height (six point). Within the smaller or inner circle shall be a raised shield with the upper parts of its dexter margin and its sinister margin resting on the roped circumference of the said circle. In dexter tierce of the said shield shall be the raised figures of two Indians standing on a rock, under forest trees on the bank of a river. The foremost Indian, in contourné shall have his arms outstretched in greeting toward four white men who are approaching the rock in a canoe. The bow of the canoe, which contains the four white men, has not quite reached the rock on which the Indians stand. In pale of the said shield shall be the raised figure of the first white man who stands upright in the bow of the canoe with his right arm and hand outstretched in greeting toward the Indians, and his left arm and hand at his side. The second white man shall be sitting in the canoe with a canoe paddle in both his hands, the top of the handle of the paddle in his right hand and the shank of the paddle in his left hand. The paddle can be seen extending into the water on the left-hand side (port) of the canoe. The third white man shall be sitting in the canoe with a canoe paddle in both his hands, the top of the handle of the paddle in his left hand and the shank of the paddle is in his right hand. The entire paddle cannot be seen, as it shall extend in to the water on the right-hand side (starboard) of the canoe. The fourth white man shall be sitting in the canoe. In addition to the figures of the two Indians and the four white men; the rock, the water, the canoe and the canoe paddle shall be raised on the said shield. The garb of the white men shall be that of the early settlers in New England, called "Pilgrims", and that of the Indians shall be head feathers and skins. In chief, close to the upper margin of said shield, reading clockwise, shall be the words: WHAT CHEER? Said words and question mark shall be composed of raised capital Roman sans serif letters three thirty-seconds of an inch in height (eight point). (Ord. 1941, ch. 1057, § 1; Rev. Ords. 1946, ch. 32, § 1)

Sec. 2-336. Meaning of description of city seal.

The blazon or description of figures on the city seal shall represent the historical story of the founding of the City of Providence in 1636. The Indians are standing on slate rock which is on a point of land covered with forest trees on the west bank of the Seekonk River. The Indians are extending friendly greetings, by raising their arms and crying out "WHAT CHEER, NETOP?" to an approaching canoe which contains the early settlers, Roger Williams and his companions. Roger Williams, the founder of the City of Providence, and the State of Rhode Island, stands in the bow of the canoe and acknowledges the greetings of the friendly Indians by raising his right arm. (Ord. 1941, ch. 1057, § 2; Rev. Ords. 1946, ch. 32, § 2)

Sec. 2-337. City clerk as custodian of city seal.

There shall be one official seal, as described herein, for the city. The city clerk shall be the custodian and keeper of the city seal. The said city clerk shall cause a city seal to be made in accordance with the provisions of section 2-335, shall keep said city seal in good repair and shall replace said city seal with a new one when necessary. He shall provide a suitable safe or vault in which to keep said city seal, and shall never allow said seal to leave his custody or leave his office. (Ord. 1941, ch. 1057, § 3; Rev. Ords. 1946, ch. 32, § 3)

Sec. 2-338. Nature and use of city seal.

The seal of the city is a sacred device and shall be the authentication and official verification of the city officials' signatures and official city written documents. The said city seal shall be used only by the city clerk, or in his absence by his deputies, or in an emergency by a person designated by the said city clerk, and only on such official documents which the said city clerk may determine the said city seal is necessary. Every board, commission, department head and employee of the city is hereby prohibited from using the said city seal or a facsimile thereof on any written, typed, engraved or printed letter, paper or book, or on any metal badge,

without the written permission of the city clerk. Every person is hereby prohibited from manufacturing or reproducing the city seal or a facsimile thereof or using the city seal or a facsimile thereof in any manner or description, without the written permission of said city clerk. (Ord. 1941, ch. 1057, § 4; Rev. Ords. 1946, ch. 32, § 4)

Sec. 2-339. Description of city council seal.

The seal of the city council shall consist of two circles with a common center point. The smaller or inner circle shall be one and three-eights inches in diameter, and shall have a raised dotted or beaded circumference, approximately three sixty-fourths of an inch in thickness. The larger or outer circle shall be two inches in diameter and shall have a raised roped circumference, approximately three thirty-seconds of an inch in thickness. Between the circumference of the said two circles shall be reading clockwise, the words: SEAL OF CITY COUNCIL, PROVIDENCE, R. I., followed by a small raised five pointed star, and said words shall be composed of raised capital Roman letters one-eight of an inch in height (ten point). Within the smaller or inner circle shall be a raised shield. In dexter chief canton of said shield shall be the raised figure of a bee with wings displayed. In sinister chief canton shall be the raised figure of a goose standing with wings folded. In base at the base point of said shield shall be the raised figure of a lamb standing on all four legs. Said figures of bee, goose and lamb shall be in contourné and facing toward the sinister margin. (Ord. 1941, ch. 1057, § 5; Rev. Ords. 1946, ch. 32, § 5)

Sec. 2-340. Meaning of description of city council seal.

The said blazon or description of figures on the shield described in section 2-339 shall represent and be emblematical of industry, watchfulness and peace. The bee, as a symbol of industry, is derived from the early colonial saying "Busy as a Bee"; the goose, as a symbol of watchfulness, is derived from the story of the goose whose cackling saved Rome; and the lamb, as a symbol of peace, is derived from the biblical use of the lamb as a symbol of peace. (Ord. 1941, ch. 1057, § 6; Rev. Ords. 1946, ch. 32, § 6)

Sec. 2-341. City clerk as custodian of city council seal.

There shall be one official seal, as described herein, for the city council. The city clerk shall be the custodian and the keeper of the city council seal. The city clerk shall cause a city council seal to be made in accordance with the provisions of section 2-339, shall keep said city council seal in good repair and shall replace said seal with a new one when necessary. He shall provide a suitable safe or vault in which to keep said city council seal, and shall never allow said seal to leave his custody or leave his office. (Ord. 1941, ch. 1057, § 7; Rev. Ords. 1946, ch. 32, § 7)

Sec. 2-342. Use of city council seal.

The seal of the city council shall be used only by the city clerk, or in his absence by his deputies, or in an emergency by a person designated by the said city clerk, and only on such official documents which the said city clerk may determine the city council seal is necessary. Every board, commission, department head and employee of the city is hereby prohibited from using the city council seal or a facsimile thereof on any written, typed, engraved or printed letter, paper or book or on any metal badge, without the written permission of the city clerk. Every person is hereby prohibited from manufacturing or reproducing the city council seal or a facsimile thereof or using the city council seal or a facsimile thereof in any manner or description, without the written permission of the city clerk. (Ord. 1941, ch. 1057, § 8; Rev. Ords. 1946, ch. 32, § 8)

Sec. 2-343. Seal of mayor.

(a) *Description.* The seal of the mayor of the city shall consist of two circles with a common center point. The smaller or inner circle shall be one and one-quarter inches in diameter and shall have a raised dotted or beaded circumference, approximately one thirty-second of an inch in thickness. The larger or outer circle shall be one and five-eighths inches in diameter and shall have a raised roped circumference, approximately one-sixteenth of an inch in thickness. Between the circumferences of the said two circles shall be, reading clockwise,

the words: SEAL OF THE MAYOR, preceded and followed by a small raised five pointed star, and said words shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). In the lower part of the space between the said circumferences of the said two circles, reading counterclockwise, shall be the words: PROVIDENCE, R. I., and said words shall be composed of raised Roman letters three thirty-seconds of an inch in height (eight point). Within the smaller or inner circle shall be raised fasces in a vertical position, through the center point of the said circles, with the blade of the ax in contourné and facing toward the sinister margin; a raised set of balance scales, in perfect balance, the beam of which shall be just below the head of the ax of the fasces; and a raised open book shall be placed between the platforms or pans of said scale. Just inside the lower part of the smaller or inner circle, reading counterclockwise, shall be the words: DEO ET POPULO, and said words shall be composed of raised capital Roman letters one-sixteenth of an inch in height. (six point).

(b) *Meaning.* Said blazon or description of figures on said seal represents and is emblematical of power, justice and law. The fasces, as a symbol of power, the balanced scales, as a symbol of justice and the open book, as a symbol of law.

(c) *Custody, presentation.* There shall be one official seal, as described herein, for the mayor and said mayor shall keep said seal in good repair and shall replace said seal with a new one when necessary. He shall provide a suitable safe place in which to keep said seal, and shall never allow said seal to leave his custody or leave his office.

(d) *Use.* The mayor shall affix imprint of said seal on such official documents which he may determine is necessary. (Ord. 1941, ch. 1057, § 9; Rev. Ords. 1946, ch. 32, § 9)

Sec. 2-344. Seal of recorder of deeds.

(a) *Description.* The seal of the recorder of deeds shall consist of two circles with a common center point. The smaller or inner circle shall be one and one-quarter inches

in diameter and shall have a raised dotted or beaded circumference, approximately one thirty-second of an inch in thickness. The larger or outer circle shall be one and five-eighths inches in diameter and shall have a raised roped circumference, approximately one-sixteenth of an inch in thickness. In the upper part of the space between the said two circumferences, reading clockwise, shall be the words: STATE OF RHODE ISLAND, preceded and followed by a small raised five pointed star, and said words shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). In the lower part of the space between the said circumference of the said two circles, reading counterclockwise, shall be the words: AND PROVIDENCE PLANTATIONS, and said words shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). Just inside the upper part of the smaller or inner circle, reading clockwise, shall be the words: CITY OF and just inside the lower part of the smaller or inner circle, reading counterclockwise, shall be the word: PROVIDENCE. Said words, CITY OF PROVIDENCE, shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). Just under the words: CITY OF and just above the word: PROVIDENCE shall be two small raised five pointed stars. Just above the center point of the said two circles shall be, horizontal and reading from left to right, the word: RECORDER, and just under the center point of the said two circles shall be, horizontal and reading from left to right, the words: OF DEEDS. Said words: RECORDER OF DEEDS shall be composed of raised capital Roman letters, one-eighth of an inch in height (ten point).

(b) *Custody, preservation.* There shall be one official seal, as described herein, for the recorder of deeds of the city and said recorder of deeds shall keep said seal in good repair and shall replace said seal with a new one when necessary. He shall provide a suitable safe place in which to keep said seal, and shall never allow said seal to leave his custody or leave his office.

(c) *Use.* The recorder of deeds shall affix the imprint of said seal on such official documents which he may determine

necessary and, whenever requested, shall affix the imprint of said seal to any certificate or document, by him given, without making any additional charge therefor. (Ord. 1941, ch. 1057, § 10; Rev. Ords. 1946, ch. 32, § 10)

Sec. 2-345. Seal of city registrar.

(a) *Description.* The seal of the city registrar shall consist of two circles with a common center point. The smaller or inner circle shall be one and one-quarter inches in diameter and shall have a raised dotted or beaded circumference, approximately one thirty-second of an inch in thickness. The larger or outer circle shall be one and five-eighths inches in diameter and shall have a raised roped circumference approximately one-sixteenth of an inch in thickness. In the upper part of the space between the said two circumferences, reading clockwise, shall be the words: CITY REGISTRAR, preceded and followed by a small raised five pointed star and said words shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). In the lower part of the space between the said circumferences of the said two circles, reading counterclockwise, shall be the words: PROVIDENCE, R. I., and said words shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). Within the smaller inner circle shall be a raised open book bearing the date 1636. The figures of said date shall be horizontal, reading from left to right, the first two digits thereof on the left side of the said open book, the last two digits thereof on the right side of the said open book and said figures, 1636 shall be raised and three-sixteenths of an inch in height (twelve point).

(b) *Meaning.* Said blazon or description of figures on said seal represents and is emblematical of recording and registering vital records and statistics since the founding of the city in 1636. The open book shall be a symbol of recording the vital record for posterity and the date 1636, a symbol of when the keeping of vital records was first started.

(c) *Custody, preservation.* There shall be one official seal, as described herein, for the city registrar and the city reg-

istrar shall keep said seal in good repair and shall replace said seal with a new one when necessary. He shall provide a suitable safe place in which to keep said seal, and shall never allow said seal to leave his custody or leave his office.

(d) *Use.* The city registrar shall affix imprint of said seal on such official documents which he may determine is necessary. (Ord. 1941, ch. 1057, § 11; Rev. Ords. 1946, ch. 32, § 11)

Sec. 2-346. Seal of probate court.

(a) *Description.* The seal of the probate court of the city shall consist of two circles with a common center point. The smaller or inner circle shall be one and one-quarter inches in diameter and shall have a raised dotted or beaded circumference, approximately one thirty-second of an inch in thickness. The larger or outer circle shall be one and five-eighths inches in diameter and shall have a roped circumference, approximately one-sixteenth of an inch in thickness. In the space between the said two circumferences, reading clockwise, shall be the words: PROBATE COURT OF THE CITY OF PROVIDENCE, R. I., followed by a single small raised five pointed star and said words shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). Within the smaller or inner circle shall be a raised open law book. A raised set of balance scales, in perfect balance, the beam of which shall be just above the top edges of said open book and the platforms or pans of said scale shall be just above the bottom edges of said open book.

(b) *Meaning.* Said blazon or description of figures on said seal represents and is emblematical of law and justice. The open book, as a symbol of law and the balanced scales, as a symbol of justice.

(c) *Custody, preservation.* There shall be one official seal of the probate court of the city. The clerk of said probate court shall be the custodian and keeper of said probate court seal. Said clerk shall keep the said seal in good repair and shall replace said seal with a new one when necessary. He shall provide a suitable safe place in which to keep said seal, and shall never allow said seal to leave his custody or leave his office.

(d) *Use.* Said clerk shall affix imprints of said seal on such official documents which the judge of the probate court may order and on such official documents which said clerk may determine is necessary. (Ord. 1941, ch. 1057, § 12; Rev. Ords. 1946, ch. 32, § 12)

Sec. 2-347. Seal of board of canvassers and registration.

(a) *Description.* The seal of the board of canvassers and registration shall consist of two circles with a common center point. The smaller or inner circle shall be one and one-quarter inches in diameter and shall have a raised dotted or beaded circumference, approximately one thirty-second of an inch in thickness. The larger or outer circle shall be one and five-eighths inches in diameter and shall have a roped circumference, approximately one-sixteenth of an inch in thickness. In the upper part of the space between the said two circumferences, reading clockwise, shall be the words: BOARD OF CANVASSERS, preceded and followed by a raised five pointed star and said words shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). In the lower part of the space between the said circumferences of the said two circles, reading counterclockwise, shall be the words: AND REGISTRATION, and said words shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). Within the smaller or inner circle shall be a raised shield containing a raised anchor. The shank of said anchor shall be in a vertical position and through the center point of the said shield and said two circles. The stock, arms and flukes of said anchor shall be in the same plane and perpendicular to the shank of the said anchor. An anchor warp shall run from the anchor warp ring, entwining around the anchor shank, to the arms of said anchor. Just inside the upper part of the smaller or inner circle, between the circumference of said circle and the upper margin of said shield, reading clockwise, shall be the words: OF THE CITY OF, and said words shall be composed of raised capital Roman letters one-sixteenth of an inch in height (six point). Just inside the lower part of the smaller or inner circle, between the circumference of said circle and the lower

margin of said shield, reading counterclockwise, shall be the words: PROVIDENCE, R. I., and said words shall be composed of raised capital Roman letters one-sixteenth of an inch in height (six point).

(b) *Custody, preservation.* There shall be one official seal, as described herein, for the board of canvassers and registration of the city. The secretary of said board shall be the custodian and keeper of said seal. Said secretary shall keep said seal in good repair and shall replace the seal with a new one when necessary. He shall provide a suitable safe place in which to keep said seal, and shall never allow said seal to leave his custody or his office.

(c) *Use.* Said secretary shall affix imprints of said seal on such official documents which the board of canvassers and registration may order and on such official documents which said secretary may determine is necessary. (Ord. 1941, ch. 1057, § 13; Rev. Ords. 1946, ch. 32, § 13)

Sec. 2-348. Seal of department of weights and measures.

(a) *Description.* The seal of the department of weights and measures shall consist of two circles with a common center point. The small or inner circle shall be one and three-eighths inches in diameter, and shall have a raised roped circumference, approximately three sixty-fourths of an inch in thickness. The larger or outer circle shall be two inches in diameter and shall have a raised sawtooth circumference, approximately three thirty-seconds of an inch in thickness. Within the smaller or inner circle shall be a reproduction of the seal of the city. In the upper part of the space between the said two circumferences shall be, reading clockwise, the words: (Name of the superintendent of weights and measures who is ex officio sealer of weights and measures) followed by the words: SEALER OF WEIGHTS AND MEASURES and said name and words shall be composed of raised capital Roman letters three thirty-seconds of an inch in height (eight point). In the lower part of the space between the said circumferences of said two circles, reading counterclockwise, shall be the word: SEALED, followed by the fig-

ures of the current year; said word and figures shall be composed of raised capital Roman letters three thirty-seconds of an inch in height.

(b) *Custody preservation.* There shall be one official seal, as described herein, for the department of weights and measures of the city and it may be reproduced in paper or metal. The superintendent of weights and measures, ex officio sealer of weights and measures, shall be the custodian and keeper of said seal. He shall keep said seal in good repair and shall replace said seal with a new one when necessary. He shall provide a suitable safe place in which to keep said seal, and shall never allow said seal to leave his custody. He may have said seal reproduced in paper or metal or in any other suitable material so that he can affix it on weights and measures in carrying out the duties of his office.

(c) *Use.* Said superintendent of weights and measures, ex officio sealer of weights and measures, and his deputies, shall affix an imprint or reproduction of said seal on any document or weighing or measuring devices in accordance with the Statutes of the State of Rhode Island, the ordinances of the city or the rules of the city council. (Ord. 1941, ch. 1057, § 14; Rev. Ords. 1946, ch. 32, § 14)

State law reference—List of state legal holidays, Gen. Laws, ch. 458, § 1.

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Chapter 3

ADVERTISING*

Sec. 3-1. Distribution of handbills, circulars, similar items.
Sec. 3-2. Calling attention to displays, sales, business conducted within building.
Sec. 3-3. Advertising shows, exhibitions and theatricals.
Sec. 3-4. Posting, affixing bills, posters, signs, notices to structures.
Sec. 3-5. Erection, display of bills, posters, signs, notices on highway.

Sec. 3-1. Distribution of handbills, circulars, similar items.

No person shall distribute, or cause to be distributed, any handbill, circular, program, or slip of a commercial nature in or upon any street, highway, mall, plaza or public place within the city. (Ord. 1929, ch. 716, § 1; Rev. Ords. 1946, ch. 3, § 1; Ord. 1966, ch. 1747, § 1)

Sec. 3-2. Calling attention to displays, sales, business conducted within building.

No person shall stand in or upon any street, highway, mall, plaza or public place within the city or in the entrance or hallway of any building in the city for the purpose of calling the attention of any person in the street, highway, mall, plaza or public place to goods, wares or merchandise displayed or on sale or to business conducted within any building. (Ord. 1929, ch. 716, § 1; Rev. Ords. 1946, ch. 3, § 1; Ord. 1966, ch. 1747, § 1)

Cross reference—Peddlers and hawkers, § 14-171 et seq.

Sec. 3-3. Advertising shows, exhibitions and theatricals.

No person shall expose, display, post up or exhibit any placard, poster, bill or picture of any show, exhibition, theatrical or other performance in or on any building, billboard, wall or fence on any street in the city unless such

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*Charter reference—Powers of city, § 2.1 et seq.

Cross references—Signs required by commercial parking lots, §§ 14-65—14-68; signs required by intelligence officers, § 14-112; affixing notices, distributing circulars, etc., §§ 18-10, 18-11; erection of projecting signs prohibited in pedestrian mall, § 23-83.

State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

placard, poster, bill or picture shall have first been approved by the commissioner of public safety. (Ord. 1914, ch. 30, § 37; Rev. Ords. 1946, ch. 3, § 5)

Cross reference—Licensing, regulation of shows and other amusements, § 14-193 et seq.

Sec. 3-4. Posting, affixing bills, posters, signs, notices to structures.

No person shall post or otherwise affix, nor cause to be posted or affixed, any bill, poster, or notice upon any tree, fence, board, post, pole or other structure within or upon the occupation line of any street or highway and no person shall paint, print, mark, or cause to be painted, printed or marked, any sign, notice or advertisement upon any tree, fence, board, post, pole or other structure within or upon the occupation line of any street or highway, except with the approval, in writing, of the commissioner of public safety and subject to such written conditions as said commissioner of public safety may impose respecting the same. (Ord. 1914, ch. 30, §§ 35, 36; Rev. Ords. 1946, ch. 3, § 4)

State law reference—Painting, placing or affixing advertisements to building or object within limits of public highway, § 11-22-2, Gen. Laws 1956.

Sec. 3-5. Erection, display of bills, posters, signs, notices on highway.

No person shall erect, place or display any sign, notice or advertisement, within or upon the occupation line of any street or highway, except with the written approval of the commissioner of public safety, and subject to such written conditions as he may impose; provided that nothing herein shall preclude permission to erect signs as permitted by the building code and zoning ordinance. (Ch. 3, § 6, added by Ord. 1959, ch. 1273, §§ 1, 2)

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Chapter 4

ANIMALS AND FOWL*

Art. I. In General, §§ 4-1—4-18

Sec. 4-1. Establishment of public pound.
Sec. 4-2. Running at large.
Sec. 4-3. Keeping swine.
Sec. 4-4. Keeping fowl.
Sec. 4-5. Bins for manure and refuse, removal of manure and refuse.
Sec. 4-6. Burying dead animals.
Sec. 4-7. Transporting dead animals.
Sec. 4-8. Contract for removal of dead animals.
Secs. 4-9—4-18. Reserved.

Art. II. Dogs, §§ 4-19—4-26

Sec. 4-19. Prohibited at large in event of danger of rabies.
Sec. 4-20. Declaration of danger of rabies; rules and regulations for immunization.
Sec. 4-21. Impounding and destruction of unmuzzled or unimmunized dogs.
Sec. 4-22. Recovery of possession of impounded dogs.
Sec. 4-23. Quarantine of dog which has bitten person.
Sec. 4-24. Removal of barking, biting and howling dogs.
Sec. 4-25. Molesting, injuring, interfering with dogs of police department.
Sec. 4-26. Fees for special constables destroying, listing dogs.

Article I. In General

Sec. 4-1. Establishment of public pound.

The Dexter Asylum grounds, as enclosed by the existing wall around the same, are hereby designated as the public pound of the city. (Ord. 1914, ch. 48, § 1; Rev. Ords. 1946, ch. 4, § 4)

State law reference—Cities to maintain pounds, § 4-15-1, Gen. Laws 1956.

Sec. 4-2. Running at large.

(a) No horse, sheep, swine, goats or cattle shall go at large, loose or unfastened in any public street or highway

*Charter reference—Powers of city, § 2.1 et seq.

Cross references—Location, construction, etc., of stables, § 5-32 et seq.; slaughtering of poultry, § 10-104 et seq.; feeding domesticated birds, fowl, animals, § 12-118; feeding wild birds, § 12-119; animals in parks, § 18-8.

State law references—Full treatment of law of state as to animals, chs. 4-1, 4-4, 4-13—4-16 and 34-10; special act authorizing appropriation to defray expense of disposition of homeless cats, P.L. 1915, ch. 1277.

within the limits of the city, or on any land therein thrown open as a way for public travel and used by the public for travel although such way be not legally a public street or highway, or go at large elsewhere in the city.

(b) All swine found running at large within the limits of the city are hereby declared forfeited, and any person may seize, or cause to be seized, any swine found so running at large and convert the same to his own use, or deliver the same to the keeper of the Dexter Asylum for the use of the poor persons in that institution. (Ord. 1914, ch. 1, §§ 1, 3; Rev. Ords. 1946, ch. 4, § 1)

State law references—Animals at large, §§ 4-15-3—4-15-14, Gen. Laws 1956; special act authorizing city to restrain certain animals from running at large, Act of Jan. 16, 1845, as amended by P.L. 1863, ch. 458; also P.L. 1872, ch. 988.

Sec. 4-3. Keeping swine.

No swine shall be kept within the limits of the city except in such parts thereof and under such rules and regulations as the superintendent of health shall prescribe from time to time. (Ord. 1914, ch. 1, § 2; Rev. Ords. 1946, ch. 4, § 2)

State law reference—Keeping swine and power of city council to enforce regulations, §§ 4-3-12, 23-24-11, Gen. Laws 1956.

Sec. 4-4. Keeping fowl.

No owner or occupant of any dwelling house shall keep or permit to be kept, any live fowl, geese or ducks in any dwelling house or in the cellar of any such house, nor shall any such fowl be kept within the city limits, except under such special conditions as may be prescribed by the superintendent of health. (Ord. 1914, ch. 1, § 4; Rev. Ords. 1946, ch. 4, § 3)

Sec. 4-5. Bins for manure and refuse, removal of manure and refuse.

(a) Every person owning, leasing or occupying any stall, stable, shed, barn or apartment, wherein any horse or any cattle shall be kept, shall maintain a covered bin, vault or cellar, satisfactory to the superintendent of health, in which shall be placed all manure or refuse from such horse or cattle.

(b) No person shall, between the hours of 8:00 a.m. and 7:00 p.m. remove or suffer to be removed any such manure or refuse from said premises, except with the permission of the superintendent of health previously obtained in writing. (Rules of Bd. of Ald., ch. 1, r. 60; Rev. Ords. 1946, ch. 4, § 14)

State law reference—Power of council to regulate storing of stable manure and limiting penalty for violation thereof, §§ 23-19-2, 23-19-3, Gen. Laws 1956.

Sec. 4-6. Burying dead animals.

No person shall bury or cause to be buried the body of any horse, ass, mule, ox, cow, bull, hog or other large animal, within the limits of the city, unless in such manner that every part and portion of such body shall be at least three (3) feet below the natural surface of the ground where the same is buried, and in conformity with the requirements of the superintendent of health. (Ord. 1941, ch. 1, § 5; Rev. Ords. 1946, ch. 15, § 18)

Sec. 4-7. Transporting dead animals.

No person shall remove, carry or transport over, upon or through any street or highway of the city the dead body of any horse, ass, mule, ox, cow, bull, hog, or any other animal, not slaughtered and in condition for use as food unless specially authorized so to do by the superintendent of health. (Ord. 1914, ch. 1, § 6; Rev. Ords. 1946, ch. 15, § 19)

Sec. 4-8. Contract for removal of dead animals.

The superintendent of health is hereby authorized and empowered, in his discretion, in the name and behalf of the city, from time to time, to contract for the faithful performance of the work of removing from the city, and through the streets thereof, any dead animal bodies, with such party as he shall authorize to make such removals, and upon such terms and conditions as he shall approve, provided the terms of any such contract shall not exceed five (5) years. (Ord. 1914, ch. 1, § 7; Rev. Ords. 1946, ch. 15, § 20)

Secs. 4-9—4-18. Reserved.

Article II. Dogs*

Sec. 4-19. Prohibited at large in event of danger of rabies.

It shall be unlawful for the owner or keeper of any dog licensed according to law, to permit such dog to run at large in the city whenever the superintendent of health declares that there is danger of rabies. (Ord. 1932, ch. 843, § 1; Rev. Ords. 1946, ch. 4, § 5)

Sec. 4-20. Declaration of danger of rabies; rules and regulations for immunization.

The superintendent of health shall make a declaration that there is danger of rabies by advertising in one or more newspapers published in the city, stating therein the period of time during which said danger of rabies shall be considered to exist, and shall set forth such rules and regulations relative to proper immunization not inconsistent with the rules and regulations of the state veterinarian under the provisions of General Laws, Chapter 639, section 34. (Ord. 1932, ch. 843, § 1; Rev. Ords. 1946, ch. 4, § 6)

Sec. 4-21. Impounding and destruction of unmuzzled or unimmunized dogs.

After the declaration and rules and regulations have been set forth, as provided for in section 4-20 hereof, any licensed and collared dog found during said period unleashed or unmuzzled, or not properly immunized against rabies in accordance with said rules and regulations of the superintendent of health, in any street, highway or other public place within the limits of the city shall be impounded by the special constable under the dog laws for a period of at least five (5) days, after which time it shall be the duty of said special constable to cause said dog to be destroyed. (Ord. 1932, ch. 843, § 1; Rev. Ords. 1946, ch. 4, § 7)

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*State law references—State law relative to dogs, ch. 4-13, Gen. Laws 1956; state law as to rabid dogs, §§ 4-13-26—4-13-31, Gen. Laws 1956.

Sec. 4-22. Recovery of possession of impounded dogs.

The owner or keeper of any dog impounded as provided herein, upon proof that such dog belongs to or is kept by him, within the period of five (5) days and upon the payment of three dollars ($3.00) to the special constable, may recover possession of and remove said dog. (Ord. 1932, ch. 843, § 1; Rev. Ords. 1946, ch. 4, § 8)

Sec. 4-23. Quarantine of dog which has bitten person.

The superintendent of health may order the quarantine and confinement for observation for a period of not more than fifteen (15) days of any dog which has bitten a human being, and the exercise of such authority shall not require any declaration by the superintendent of health that there is any danger of rabies. (Ch. 4, § 7.1, added by Ord. 1953, ch. 785, § 1)

Sec. 4-24. Removal of barking, biting and howling dogs.

On complaint being made to the chief of police of any dog within the city, which shall, by barking, biting, howling or in any other way or manner, disturb the quiet of any person whomsoever, the chief of police shall forthwith issue notice thereof to the person owning or keeping such dog, or permitting such dog to be kept. In case such person shall neglect to cause such dog to be forthwith removed and kept beyond the limits of the city, or destroyed, he shall be deemed guilty of an offense. (Ord. 1914, ch. 18, § 1; Rev. Ords. 1946, ch. 4, § 9)

Sec. 4-25. Molesting, injuring, interfering with dogs of police department.

It shall be unlawful for any person to wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the police department of the city in the performance of the functions or duties of such department, or to interfere with or meddle with any such dog while being used by said department or any officer or member

thereof in the performance of any of the functions or duties of said department or of such officer or member. (Ord. 1965, ch. 1689, § 1)

Sec. 4-26. Fees for special constables destroying, listing dogs.

The special constable appointed annually by the commissioner of public safety to kill or destroy or cause to be killed or destroyed, all dogs going at large and not licensed or collared according to law shall receive therefor from the city treasurer a fee of six hundred seventy-five dollars ($675.00) each month, to be charged to the police department appropriation. The special constables appointed annually by the commissioner of public safety to ascertain and make a list of the owners or keepers of dogs and return such lists to the said commissioner of public safety on or before the last day of May shall receive no fees for making such lists and returns. (Ord. 1917, ch. 183, § 1; Rev. Ords. 1946, ch. 4, § 10; Ord. 1957, ch. 1165, § 1)

State law reference—Provisions permitting council to fix fees for special constables in city, § 4-13-12, Gen. Laws 1956.

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Chapter 5

BUILDINGS AND STRUCTURAL APPURTENANCES*

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Art. II. Convalescent and Nursing Homes and Similar Establishments, §§ 5-13—5-31

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Sec. 5-15. Requirements as to heating.
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Sec. 5-32. Approval of location.
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Sec. 5-50. Repair, removal of fence by complainant.
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Sec. 5-52. Resolution of dispute as to cost of partition fence.
Sec. 5-53. Fee for viewing fence on complaint.
Sec. 5-54. Removal of fences exceeding six feet in height.

***Editor's note**—The city council adopted a building code on December 21, 1956. Said code does not appear in this publication but will be found in the files of the city council.

Charter references—Powers of city, § 2.1 et seq.; inspector of buildings, § 4.21.

Cross references—Inspection of buildings and premises by bureau of fire prevention, § 9-34; inspection, report on hazards, § 9-35; inspections of buildings, receptacles, places where inflammables are stored, § 9-36; inspection of buildings in areas where explosives are used in construction, § 9-77; inspection of restaurants, § 10-31; inspection of frozen desserts plants, § 10-80; creation, organization, personnel of minimum housing standards division, § 13-9 et seq.; enforcement of housing code, § 13-35 et seq.

State law references—Scope of ordinances which may be enacted, § 56-6-1, Gen. Laws 1956; ordinances regulating construction and equipment of buildings, §§ 23-27-1, 23-27-2, Gen. Laws 1956.

Article I. In General

Sec. 5-1. Preservation of building ordinance, amendments.

For the purpose of providing minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and other structures, and for structures hereafter erected, constructed, enlarged, repaired, moved, converted to other uses or demolished, and to regulate the equipment, maintenance, use and occupancy of buildings and other structures; for the further purposes of providing basic and uniform regulations in terms of performance objectives, establishing reasonable safeguards for the safety, health and welfare of the occupants and users of buildings and other structures, and making adequate performance the test of acceptability, that certain ordinances of the city known as the "Building Ordinance of the City of Providence", being Chapter 1079 of the Ordinances of 1956, enacted December 21, 1956, as amended, shall be and is hereby preserved and continued as an ordinance of the city, notwithstanding its omission from this Code of Ordinances, and said ordinance shall not be affected by the adoption of this Code of Ordinances, but its provisions shall be controlling as to all of the subjects therein contained, within the corporate limits of the city.

Cross references—Rat and vermin control, § 12-110 et seq.; applicability of housing code, § 13-5; enlargement, alteration of city buildings, § 23-42; construction of new city buildings, § 23-43; clearance of electrical wires over buildings, § 23-121; safety device required on low-tension wires entering buildings, § 23-122.

Sec. 5-2. Egress requirements of certain occupancies.

(a) *Doors, windows.* Every apartment house having more than eight (8) apartments, and every hotel, inn, boardinghouse, rooming house and lodginghouse having accommodations for twelve (12) or more persons shall have the doors or windows of or to any exit or fire escape so arranged as to swing outward.

(b) *Lighting.* The halls and stairways of every hotel, inn, boardinghouse, rooming house, lodginghouse, and apartment house having eight (8) or more apartments shall be adequately lighted at all times and at the head and foot of each

flight of stairs and at the intersections of all hallways with main corridors there shall be kept lighted during the night, a red light.

(c) *Compliance required.* It shall be the duty of every owner, lessee, proprietor, or keeper of any of the places mentioned hereinabove to comply with this section. (Ch. 12, § 31.10(B)—(D), added by Ord. 1947, ch. 1617, § 7; Ord. 1949, ch. 217, § 1)

Cross references—Fire prevention and protection, § 9-1 et seq.; housing code, § 13-1 et seq.

Sec. 5-3. Sandblast in cleaning.

No person shall use a sandblast in cleaning the exterior of any building within the city without a permit therefor from the inspector of buildings. In granting permits, the inspector may impose such conditions, regulations and restrictions as it may deem proper to prevent sand from being blown about and otherwise to preserve the safety and physical comfort of the portion of the public residing or being about or near the place where such operations may be carried on, or of the public generally. (Ord. 1920, ch. 248, § 1; Rev. Ords. 1946, ch. 23, § 11)

Secs. 5-4—5-12. Reserved.

Article II. Convalescent and Nursing Homes and Similar Establishments*

Sec. 5-13. Applicability of article.

This article shall apply only to existing wood frame buildings presently being used for the purposes set forth in section 5-14, and shall not be construed to affect the requirements for new buildings or future occupancies to be used for such purposes. (Ch. 8B, § 1, added by Ord. 1958, ch. 1201, § 10)

*Charter reference—Inspector of buildings, § 4.21.

Cross reference—Inspection of buildings and premises by bureau of fire prevention, § 9-34.

State law references—State law giving council authority to regulate for prevention of fires, § 45-6-1, Gen. Laws 1956; fire safety code, ch. 23-28.1 et seq., Gen. Laws 1956.

Sec. 5-14. Conditions for use of second floor of wood frame building.

No person shall operate a convalescent home, nursing home, home for aged persons, home for the boarding of seven (7) or more children, or home for mental patients above the first floor of a wood frame building, provided that in wood frame buildings protected by an approved automatic sprinkler system and occupied for no other purpose, and otherwise complying with the provisions hereof, the second floor may be used for such occupancy; and further provided that the second floor of wood frame buildings which are legally being used for said purposes presently, may continue to be so used upon the following conditions:

(a) Said premises shall be occupied for no other purpose.

(b) Said premises shall be protected by a fire detection and alarm system approved by the chief of the fire department.

(c) Said premises and fire alarm and detection system shall be connected directly with the fire alarm headquarters of the fire department.

(d) Said second floor shall be occupied by no more than six (6) persons, all of whom shall be ambulatory.

(e) Strict compliance with the other provisions of this article shall be had. (Ch. 8B, § 2, added by Ord. 1958, ch. 1201, § 1)

Sec. 5-15. Requirements as to heating.

All heat for buildings provided for in section 5-13 of this chapter shall be supplied from a central heating plant, to be maintained in good operating condition. A boiler or heater room shall be separated from all other areas by walls and ceiling having a fire resistance rating of at least one hour, and all openings between such rooms and other areas shall be protected by automatic or self-closing fire doors. (Ch. 8B, § 3, added by Ord. 1958, ch. 1201, § 2)

Sec. 5-16. Marking and illuminating hallways, passageways or exitways.

(a) All hallways, passageways or exitways on floors occupied by patients in buildings provided for in section 5-13 shall be illuminated at all times, and all exits shall be suitably marked.

(b) The electrical circuit supplying power for lights in said hallways, passageways and exitways, shall be independent of all other lighting circuits. (Ch. 8B, § 4, added by Ord. 1958, ch. 1201, § 3)

Sec. 5-17. Dumbwaiters and laundry chutes.

(a) Dumbwaiters and laundry chutes in buildings provided for in section 5-13 of this chapter shall be enclosed by an approved material having a fire resistance rating of at least two hours. All openings to such dumbwaiters and laundry chutes shall be protected by an approved self-closing fire door.

(b) Hoists in such installations shall consist of metal cable, the use of rope being prohibited. (Ch. 8B, § 5, added by Ord. 1958, ch. 1201, §§ 4, 5)

Sec. 5-18. Hallways, exitways and passageways to be clear of obstructions.

Hallways, passageways and exitways in buildings provided for in section 5-13 of this chapter shall be kept clear of all obstructions. (Ch. 8B, § 6, added by Ord. 1958, ch. 1201, § 6)

Sec. 5-19. Storage of mattresses, unused furniture and equipment.

Storage of mattresses and unused furniture in buildings provided for in section 5-13 of this chapter must be in a room separated from the heating plant. Storage of more equipment than necessary for the operation of said business is forbidden. (Ch. 8B, § 7, added by Ord. 1958, ch. 1201, § 7)

Sec. 5-20. Storage of cleaning or polishing compounds and inflammables.

All service closets or compartments used for the storage of cleaning or polishing compounds or implements of an inflammable nature in buildings provided for in section 5-13 of this chapter shall be enclosed by material resistant to fire for at least one hour. (Ch. 8B, § 8, added by Ord. 1958, ch. 1201, § 8)

Sec. 5-21. Storage and disposition of waste and rubbish.

Waste materials and rubbish from buildings provided for in section 5-13 of this chapter shall be kept in metal cans with metal covers and removed from the premises daily. (Ch. 8B, § 9, added by Ord. 1958, ch. 1201, § 9)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Secs. 5-22—5-31. Reserved.

Article III. Stables*

Sec. 5-32. Approval of location.

No person shall use any building, or part thereof, within the city for a stable, which has not been lawfully erected, altered or enlarged for a stable, unless the location thereof shall have been first approved by the city council. (Rules of Bd. of Ald., ch. 1, r. 57; Rev. Ords. 1946, ch. 4, § 11)

Sec. 5-33. Applications to be accompanied by plans.

All applications to build, alter, enlarge or use any building for a stable, shall contain a plan of the lot with the location of the proposed stable plainly marked thereon. (Rules of Bd. of Ald., ch. 1, r. 58; Rev. Ords. 1946, ch. 4, § 12)

***Charter reference**—Inspector of buildings, § 4.21.
Cross reference—Inspection of buildings and premises by bureau of fire prevention, § 9-34.

Sec. 5-34. Applications to be sent to council; time limit to begin work, occupy building.

The inspector of buildings is hereby directed to send immediately all applications to build, alter, enlarge, or use a building for a stable to the city council. In case the city council shall approve the location for such stable, the work of construction or alteration shall be begun, or if a building is to be used as a stable it shall be occupied within sixty (60) days from the time of such approval. (Rules of Bd. of Ald., ch. 1, r. 59; Rev. Ords. 1946, ch. 4, § 13)

Sec. 5-35. Condition of grant of permits for stables.

(a) All permits for stables granted under P. L. 1909, Chapter 472, section 30, shall be subject to the following conditions:

(1) The building to be used for a stable shall be located and constructed in accordance with the provisions of the application to build as granted.

(2) The owner or occupant of the stable shall not at any time violate any law, ordinance or rule applicable to stables or barns in the city now or hereafter in force, relative to the care and maintenance of said stable.

(b) All permits for private stables of the first class granted under P. L. 1909, Chapter 472, section 30, shall be subject to the additional condition that no private stable of the first class shall be used for keeping therein more horses or cattle of any kind than six (6) in all at any one time.

(c) In granting permits for private stables of the second class under said section of Chapter 472 of P. L. 1909, the city council shall in each instance fix the maximum number of horses or cattle that may be kept therein, and all permits for private stables of the second class shall be subject to the additional condition that no private stable of the second class shall be used for keeping therein more horses or cattle of any kind at any one time than the number fixed by the city council. (Rules of Bd. of Ald., ch. 1, r. 61-63; Rev. Ords. 1946, ch. 4, § 15)

Secs. 5-36—5-45. Reserved.

Article IV. Fences*

Sec. 5-46. Lawful fences designated.

The fences hereinafter described as partition fences, namely fences erected upon a common division line between two (2) or more lots, are and shall be adjudged to be lawful fences, to wit:

(a) *Hedge.* A hedge planted on the dividing line only when both adjoining owners shall agree in writing to keep, trim and maintain their respective sides and top of the hedge. A copy of the agreement signed by both parties shall be filed with the fence viewer of the city, who shall keep said agreement on file in his office. If either party shall refuse to keep, trim and maintain his side and top of the hedge, the aggrieved party shall complain to the fence viewer, and if he shall find said complaint to be true, he shall in writing notify the delinquent party and order him to trim, keep and maintain his side and top of the hedge within fifteen (15) days after notice. If such order shall not be complied with, the complainant may have said hedge trimmed, and when the work shall be completed to the satisfaction of the fence viewer, complainant shall ascertain the cost thereof, and shall be entitled to demand and recover of the party delinquent double the cost, plus interest at the rate of ten per cent (10%) per annum in an action of debt.

No hedge consisting of shrubs, trees, flowers or any other kind of plant or evergreen, shall be constructed, erected or grown as a partition fence, except as provided above.

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*Charter references—Erection, maintenance of fences, etc., § 2.12 et seq.; inspector of buildings, § 4.21.

Cross references—Inspection of buildings and premises by bureau of fire prevention, § 9-34; protection barriers on commercial parking lots adjacent to dangerous conditions, § 14-69 et seq.; erection of fences and buildings on building lines, § 23-4; barbed wire fences, § 23-5.

State law reference—Enactment of ordinances regulating use of land (Zoning), § 45-24-1 et seq., Gen. Laws 1956.

(b) *Stone.* A stone wall fence used as a partition fence in a residential section constructed of flat fieldstone, not exceeding four (4) feet high and having a flat stone top thereof, not exceeding twelve (12) inches in width, and having the same finish on both sides. No partition fence shall be constructed of concrete, brick, cement blocks, cobblestones, boulders or any other materials except as herein provided, unless same shall be properly capped and shall be finished on both faces in a neat and workmanlike manner.

(c) *Woven wire.* A woven wire partition fence of wire not less than number nine gauge firmly fastened to posts not more than sixteen (16) feet apart, woven of not less than eleven (11) horizontal wires, the bottom wire to be not more than two (2) inches from the ground and with stays or uprights not more than six (6) inches apart. There shall be no sharp prongs on top of said fence, and all prongs shall be either meshed or turned over.

(d) *Others.* All other kinds of partition fences not herein otherwise particularly described shall be four and one-half (4½) feet high, unless both adjoining owners agree in writing to a different height. (Ord. 1964, ch. 1673, § 1)

Sec. 5-47. Height of fence adjacent to residential driveway.

Notwithstanding any other provisions of this article, no fence other than a wire fence which runs or is to run adjacent to a residential driveway shall be over thirty-six (36) inches high along that portion of the fence extending from the property line back a distance of twenty (20) feet. (Ord. 1964, ch. 1673, § 2)

Sec. 5-48. Barbed wire fences.

(a) No fence shall be constructed wholly or in part of barbed wire, as a line fence between adjoining owners.

(b) Any adjoining owner may complain of the erection of said type fence to the fence viewer and it shall then be

the duty of said fence viewer to notify in writing the other adjoining owner to forthwith remove said fence. If said fence shall not be removed within fifteen (15) days after the giving of said notice then it shall be the duty of said fence viewer to forthwith remove said fence, store or deliver said fence materials so removed to the owner. Said owner shall pay to the fence viewer all expenses necessary to remove, store and deliver said fence. If said owner shall fail to pay said expenses for removal, storing and delivering of said barbed wire, the fence viewer may institute an action of debt to recover the same.

(c) This section shall not apply to fences erected surrounding commercial or industrial property where fences at least eight (8) feet high may be erected provided the barbed wire portion is attached to metal stays projecting inwardly from the top of the fence. (Ord. 1964, ch. 1673, § 3)

Sec. 5-49. Complaint of neglect to maintain or remove fence.

Whenever any proprietor, possessor or owner of land shall neglect or refuse to repair, remove or rebuild any partition fence, the adjoining owner may complain to the fence viewer of the city who, after ten (10) days' notice to such proprietor, possessor or owner, shall attend and view the same; said notice if the address of the owner is not known to the said fence viewer, to be given by (1) mailing a copy to owner to his address as it appears on the city assessor's records, and (2) by delivering a copy to any occupant of the land; (3) by posting the same in three (3) or more public places in the city, one of which shall be on the land. If he shall find said complaint to be true after taking a view, he shall in writing order the delinquent party to repair, remove or rebuild the same within such time as he shall therein appoint, not less than thirty (30) days, and shall keep a copy of said order in his office. (Ord. 1964, ch. 1673, § 4)

Sec. 5-50. Repair, removal of fence by complainant.

If the order provided for in section 5-49 shall not be complied with, the complainant may repair or rebuild the said

fence in the manner set forth in said order, and when the same shall be completed to the satisfaction of such fence viewer, said viewer shall ascertain the cost thereof and give a certificate for one-half (½) of said cost of the same, including also his fees, to the complainant, who shall be entitled to demand and recover of the party delinquent double the sum in said certificate mentioned, and interest at the rate of ten per cent (10%) per annum. In an action of debt the said fence viewer shall lodge a like certificate, to be signed by him, in the office of the recorder of deeds, and the double sum above-mentioned shall be a lien on the land of such delinquent for two (2) years, and shall attach at and from the time of the filing of the certificate. (Ord. 1964, ch. 1673, § 5)

Sec. 5-51. Resolution of dispute as to division line for partition fence.

Whenever a dispute arises between abutting landowners with respect to a division line for the purpose of erecting a partition fence, the fence viewer after complaint to him, shall meet with both parties, and if the parties cannot agree, the fence viewer shall appoint a surveyor. The fee of such surveyor shall be apportioned and each of the parties shall pay one-half (½) thereof, and if one party shall refuse to pay his share, the other party shall pay the entire fee and shall be entitled to recover said entire fee plus the fence viewer fee and interest at the rate of ten per cent (10%) per annum from the party delinquent in an action of debt. (Ord. 1964, ch. 1673, § 6)

Sec. 5-52. Resolution of dispute as to cost of partition fence.

Whenever a dispute shall arise between abutting landowners with respect to the type of fence to be erected on a dividing line, the fence viewer, if requested, shall view the abutting parcels of land and determine the cost of the fence selected by each abutting landowner and should the fence viewer approve the more expensive fence, then the abutting owner who initially selected this fence shall bear the greater share of the cost of such fence, plus the fence viewer's fee. The person whose fence shall have been rejected by the viewer

shall bear one-half (½) the cost of the fence he selected; provided however, the person bearing the greater cost of the fence erected on the dividing line shall have the right to face it on his side. (Ord. 1964, ch. 1673, § 9)

Sec. 5-53. Fee for viewing fence on complaint.

The fence viewer provided for herein shall be allowed six dollars ($6.00) per day for viewing any fence on complaint made to him for that purpose, which fee shall be paid in the first instance by the person complaining to him. Said fees shall be paid over to the city collector. (Ord. 1964, ch. 1673, § 7)

Sec. 5-54. Removal of fences exceeding six feet in height.

No fence or other structure in the nature of a fence which exceeds six (6) feet in height and which is located in or adjacent to a residential use shall be erected. It shall be removed upon order of the fence viewer upon notice as set forth in section 5-49; if not removed within thirty (30) days of said notice from the fence viewer, the abutting owner may have said fence removed and shall be entitled to recover from the adjoining owner double the cost of removal of said fence, plus interest at the rate of ten per cent (10%) in an action of debt. (Ord. 1964, ch. 1673, § 8)

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Chapter 6

CEMETERIES*

Art. I. In General, §§ 6-1—6-16

Sec. 6-1. Burials regulated.
Sec. 6-2. Right of Female Academy to burial plot.
Sec. 6-3. Right of board of control of state home and school to burial plot.
Sec. 6-4. Right of Providence College to burial plot.
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Sec. 6-24. Superintendent to maintain fences, to report violations, to act under board.
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Sec. 6-28. Lots to be held only as burial lots; transfers of lots.
Sec. 6-29. Graves to be dug by superintendent or agents.
Sec. 6-30. Graves not to be dug in avenues or paths.
Sec. 6-31. Perpetual care of certain lots.
Sec. 6-32. Deeds to persons providing for perpetual care.
Sec. 6-33. Permission to erect vault or tomb; commissioners alone permitted to rent.
Sec. 6-34. Disposition of funds received.
Sec. 6-35. Removal of stakes, fences, etc.; injury to monuments, trees, etc.; committing trespass.

Article I. In General

Sec. 6-1. Burials regulated.

All burials of the bodies of deceased persons in any burial ground within the limits of the city, except in Grace Church Cemetery, Locust Grove Cemetery, Swan Point Cemetery, the Hebrew Burial Ground, St. Patrick's Cemetery, the Crypt

*Charter reference—Powers of city, § 2.1 et seq.

State law references—Registration of death, ch. 23-2, Gen. Laws 1956; medical examiner, ch. 23-4, Gen. Laws 1956; act relating to, ch. 23-18, Gen. Laws 1956; special act as to exemption of cemeteries from sewer assessments, P.L. 1881, ch. 899.

of the Cathedral of St. Peter and St. Paul and the North Burial Ground are hereby prohibited, except as provided in sections 6-2, 6-3 and 6-4. (Rules of Bd. of Ald., ch. 1, r. 31; Rev. Ords. 1946, ch. 7, § 1)

Sec. 6-2. Right of Female Academy to burial plot.

The Female Academy of the Sacred Heart of Providence, Rhode Island, may use for the purposes of burial a certain parcel of land located on the Elmhurst estate, owned by said Female Academy of the Sacred Heart, measuring about twelve (12) feet by twenty-one (21) feet, enclosed by a wooden fence, and located near the orchard of said Elmhurst estate. (Rules of Bd. of Ald., ch. 1, r. 32; Rev. Ords. 1946, ch. 7, § 2)

Sec. 6-3. Right of board of control of state home and school to burial plot.

The board of control of the state home and school may use for the purposes of burial a certain parcel of land one hundred feet square, located on the state home and school farm in the sixth ward, belonging to the state. Said land shall be enclosed by a stone fence. (Rules of Bd. of Ald., ch. 1, r. 33; Rev. Ords. 1946, ch. 7, § 3)

Sec. 6-4. Right of Providence College to burial plot.

Providence College may use, for the purpose of burial, a certain parcel of land two hundred feet square located on the premises owned by said college at the northeasterly corner thereof; said parcel to be enclosed by a fence in order to separate the same from the rest of the college campus. (Rules of Bd. of Ald., ch. 1, r. 34-A; ch. 7, § 4.1, added by Ord. 1947, ch. 1668, § 2)

Sec. 6-5. Control of Hopkins Burial Ground by park commission and superintendent.

The Hopkins Burial Ground, being the lot of land conveyed to the Town of North Providence by Admiral Esek Hopkins, by deed recorded in the record of deeds in said town, in Book

of Deeds 2, page 377, shall be under the care, control and direction of the board of park commissioners and of the superintendent of North Burial Ground. All of the provisions of sections 6-17 through 6-35 pertaining to North Burial Ground, except those which by their nature cannot apply, shall apply to the Hopkins Burial Ground. (Ord. 1914, Ch. 37, § 1; Rev. Ords. 1946, ch. 7, § 5)

Sec. 6-6. Penalty for violation of chapter.

Every person who shall violate any of the provisions of this chapter shall be deemed guilty of an offense punishable as provided in section 1-10, and in addition shall be personally liable for any damage or injury as a consequence of such violation. (Ord. 1914, ch. 37, § 17; Rev. Ords. 1946, ch. 2, § 21)

Secs. 6-7—6-16. Reserved.

Article II. North Burial Ground*

Sec. 6-17. Control by park commission and superintendent.

The North Burial Ground estate, as the same now is or hereafter may be constituted by any purchase to be made by the city or other parties, or any donation for and on behalf thereof, shall be under the care, control and direction of the board of park commissioners and of the superintendent of North Burial Ground. Said superintendent shall give his personal care, services and attendance to the protection, maintenance, improvement and proper use of the grounds within said estate, and to the maintenance and enforcement of all ordinances and regulations applicable thereto under the direction of said board of park commissioners. (Ord. 1914, ch. 37, § 1; Rev. Ords. 1946, ch. 7, § 5)

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*Cross references—Board of park commissioners, § 18-29 et seq.; custody of perpetual care fund of North Burial Ground, § 21-89.

State law references—Special act relative to North Burial Ground, P.L. 1861, ch. 367, as amended by P.L. 1889, ch. 781; special act authorizing sale of portion of North Burial Ground and devotion of portion to highway purposes, P.L. 1919, ch. 1562; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 6-18. Duties of board of park commissioners.

The board of park commissioners shall direct the expenditure of all the income from the perpetual care funds received by them from the commissioners of sinking funds and shall approve all accounts for payment. Said board of park commissioners shall exercise a general supervision over said burial grounds, shall see that all public laws, ordinances, regulations and resolutions of the city council in relation thereto are duly enforced, and shall do all acts necessary and proper for the improvement and protection of the grounds, avenues and fences thereof. (Ord. 1914, ch. 37, § 2; Rev. Ords. 1946, ch. 7, § 6)

Sec. 6-19. Annual report of board of park commissioners.

The board of park commissioners, annually in the month of January, shall make a report to the city council of the condition of the burial grounds under their jurisdiction, which report shall contain an accurate detailed account of all moneys expended by said board pursuant to the authority given by this chapter, and the general purposes of such expenditures, and also such other information as said board shall deem expedient. (Ord. 1914, ch. 37, § 2; Rev. Ords. 1946, ch. 7, § 7)

Sec. 6-20. Superintendent of North Burial Ground; appointment, duties, bond, compensation.

The superintendent of the North Burial Ground shall be appointed by the board of park commissioners and shall hold his office during the pleasure of said board. He shall perform such duties, in addition to those prescribed by the ordinances of the city, as said board shall require, and shall receive such salary as said board shall determine, payable monthly from the North Burial Ground Improvement Fund, in addition to house and garden rent. He shall give bond to the city with sureties satisfactory to the board of park commissioners conditioned that he shall deposit all moneys received by him in his said capacity with the city collector. (Ord. 1914, ch. 37, § 5; Rev. Ords. 1946, ch. 7, § 10)

Cross reference—Bonds generally, § 17-36 et seq.

Sec. 6-21. Clerk and assistant clerk; appointment, duties.

The superintendent of North Burial Ground, by and with the approval of the board of park commissioners, may appoint a clerk and an assistant clerk, who shall hold office during the pleasure of said board. Said clerk and assistant clerk shall keep all books, accounts and records which may be necessary, and shall perform such other duties as the said board of park commissioners may from time to time direct. (Ord. 1914, ch. 37, § 6; Rev. Ords. 1946, ch. 7, § 11)

Sec. 6-22. Purchases.

The board of park commissioners shall be authorized to purchase such horses, cattle, carts and other vehicles, and all such tools and implements as may be necessary for the proper care and management of North Burial Ground. All such property, so purchased, shall belong to the city. (Ord. 1914, ch. 37, § 4; Rev. Ords. 1946, ch. 7, § 9)

Cross reference—Purchases, contracts and sales generally, § 21-26 et seq.

Sec. 6-23. Employment of workmen.

The board of park commissioners shall be authorized to employ such workmen as they may deem necessary, to lay out and care for North Burial Ground, and to keep the lots, fences, monuments and avenues therein in proper order, and to do such other and additional work as they may contract to perform. (Ord. 1914, ch. 37, § 4; Rev. Ords. 1946, ch. 7, § 9)

Sec. 6-24. Superintendent to maintain fences, to report violations, to act under board.

The superintendent of North Burial Ground, under the direction of the board of park commissioners, shall keep the fences around the North Burial Ground in proper repair. He shall report to the chief of police every violation of this chapter, as soon as may be, that the same may be prosecuted, and he shall act in conformity with the directions of said

board of park commissioners, in all cases not otherwise especially provided for. (Ord. 1914, ch. 37, § 8; Rev. Ords. 1946, ch. 7, § 13)

Sec. 6-25. Record of burials in North Burial Ground.

A record shall be kept, in a book to be provided for that special purpose, of all burials which are made in the North Burial Ground, stating the name, residence, occupation, age, and the date and, as near as may be, the place of interment, of each person buried, with any other circumstances which the board of park commissioners shall direct. (Ord. 1914, ch. 37, § 7; Rev. Ords. 1946, ch. 7, § 12)

Sec. 6-26. Fees received by superintendent.

The superintendent of North Burial Ground shall receive the fees for digging all graves dug in the North Burial Ground, being the sum usually charged for such service; and also the sum of one dollar ($1.00) for making out and granting a certificate for a deed of each lot in said burial ground, except as provided in section 6-32 of this chapter; and also the sum of twenty-five cents ($0.25) for every other certificate which he may give in his official capacity. Said fees shall be paid to the superintendent by the parties for whom the service is rendered, and shall be paid over by him to the city collector on the first Monday of each month. (Ord. 1914, ch. 37, § 9; Rev. Ords. 1946, ch. 7, § 14)

Sec. 6-27. Accounts of fees; certification of bills.

The superintendent of North Burial Ground shall keep an exact account of all fees received by him pursuant to the provisions of this chapter, and shall, on the first Monday of each month, transmit a copy of the same to the city collector and a copy to the board of park commissioners. He shall also certify to the board of park commissioners all bills contracted by him. (Ord. 1914, ch. 37, § 10; Rev. Ords. 1946, ch. 7, § 15)

Sec. 6-28. Lots to be held only as burial lots; transfers of lots.

No person shall take up, hold or own any lot within North Burial Ground except for the purpose of using the same in

good faith for a burial lot; nor shall any transfer or sale of any lot therein be made without leave first had and obtained in writing from the board of park commissioners. (Ord. 1914, ch. 37, § 11; Rev. Ords. 1946, ch. 7, § 16)

Sec. 6-29. Graves to be dug by superintendent or agents.

All graves within the North Burial Ground estate, including those within the proprietors' grounds, shall be dug by the superintendent of North Burial Ground or his agents and no person shall dig or commence or attempt to dig any grave in said burial grounds, except by authority of said superintendent. (Ord. 1914, ch. 37, §§ 14, 15; Rev. Ords. 1946, ch. 7, § 19)

Sec. 6-30. Graves not to be dug in avenues or paths.

No grave shall be dug nor any body buried in or upon any avenue, path or passageway in North Burial Ground, and any body so buried shall be removed by the superintendent or by the board of park commissioners at the expense of the person burying or procuring the same to be buried. (Ord. 1914, ch. 37, § 16; Rev. Ords. 1946, ch. 7, § 20)

Sec. 6-31. Perpetual care of certain lots.

The board of park commissioners shall have perpetual care taken of the so-called French memorial lot and also of the General Alfred N. Duffié memorial lot, situated side by side in North Burial Ground, and lot standing in the name of the Providence Association of Firemen for Mutual Assistance, the lot standing in the name of the Providence Police Association, and the lot known as the Prescott Post lot, all in North Burial Ground. (Ord. 1914, ch. 37, §§ 18—21; Rev. Ords. 1946, ch. 7, § 22)

State law reference—Acceptance of burial lots and funds for care thereof, §§ 45-5-11, 45-5-12, Gen. Laws 1956.

Sec. 6-32. Deeds to persons providing for perpetual care.

The city treasurer is hereby authorized and directed, with the advice and consent of the board of park commissioners,

to issue to any person who by himself or his predecessor in interest has had undisputed possession of a lot in North Burial Ground for a period of forty or more years, and who desires to establish a fund for its perpetual care, a deed of such lot for the sum of one dollar ($1.00). The usual charge of one dollar ($1.00) for granting certificates for deeds issued under authority of this section is hereby waived. (Ord. 1914, ch. 37, § 22; Rev. Ords. 1946, ch. 7, § 23)

Sec. 6-33. Permission to erect vault or tomb; commissioners alone permitted to rent.

No person shall erect or build any vault or tomb within the limits of the North Burial Ground, nor enclose any part or portion thereof, without leave first had and obtained from the board of park commissioners, which leave shall be first certified by said board to the superintendent of said grounds. No person except said board of park commissioners shall rent or let for money or other valuable consideration, or permit to be let or occupied for money or other valuable consideration, any tomb or vault or any place or apartment therein, within the limits of the North Burial Ground. (Ord. 1914, ch. 37, § 13; Rev. Ords. 1946, ch. 7, § 18)

Sec. 6-34. Disposition of funds received.

All rents derived from North Burial Ground and all fees or rewards to the use of the city on account thereof, that shall be paid to the superintendent of said burial ground, or to any other person lawfully designated to receive the same, and all income of whatever description derived from said burial ground, shall be paid to the city collector, and together with the sums received from the sale of lots in said burial ground, shall constitute the North Burial Ground Improvement Fund. (Ord. 1914, ch. 37, § 3; Rev. Ords. 1946, ch. 7, § 8)

Sec. 6-35. Removal of stakes, fences, etc.; injury to monuments, trees, etc.; committing trespass.

No person shall remove any stake, post, bound or fence placed around, within or upon North Burial Ground under

the direction or permission of the board of park commissioners or of the superintendent, nor mutilate, deface or injure the same, or any monument, tree, shrub or other thing intended for protection, improvement or ornament placed therein, nor commit any trespass or injury within or upon said ground or any part thereof. (Ord. 1914, ch. 37, § 12; Rev. Ords. 1946, ch. 7, §17)

Cross reference—Malicious injury to property, § 16-4 et seq.

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Chapter 7

CIVIL DEFENSE*

Sec. 7-1. Civilian defense council—Creation and composition.
Sec. 7-2. Same—Meetings.
Sec. 7-3. Same—General powers and duties.
Sec. 7-4. Powers and duties of director of civilian defense.
Sec. 7-5. Operational civilian defense organization.
Sec. 7-6. Oath of members of civilian defense council and operational organization.
Sec. 7-7. Shelter managers—Designation as part of civil defense organization.
Sec. 7-8. Same—Powers and duties.
Sec. 7-9. Same—Commencement of duties.
Sec. 7-10. Orders, rules and regulations pursuant to chapter to supersede existing provisions.
Sec. 7-11. Construction of chapter.
Sec. 7-12. Liability for death, injury, damage, from civilian defense activities.
Sec. 7-13. Obstructing members of organization; violation of rules and regulations; unlawful wearing of insignia.
Sec. 7-14. Display of lights in violation of order or regulation.
Sec. 7-15. Unauthorized operation of blackout or air raid signal.

Sec. 7-1. Civilian defense council—Creation and composition.

There shall be a Providence civilian defense council which shall consist of the following:

(a) The mayor of the city, who shall serve as chairman of the council.

(b) A director of civilian defense to be appointed by and serve at the pleasure of the mayor of the city. The director shall be charged with the preparation of the civilian defense plan for the city, together with such other duties as the mayor may prescribe. He shall also serve as vice-chairman of the council.

(c) An assistant director of civilian defense appointed by and holding office at the pleasure of the director, subject to approval of the mayor, who shall exercise such duties as the director may prescribe.

(d) The deputy directors of divisions and the chiefs of services of such divisions as may be provided for by

*Charter reference—Powers of city, § 2.1 et seq.
State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

ordinance of the city council, said deputy director to be appointed by the director of civilian defense, with approval of the mayor.

(e) Representatives not to exceed twenty-five (25) in number from civic, business, industry, labor, veterans, professional or other groups, to be selected and appointed by the mayor. (Ch. 8A, § 1, added by Ord. 1952, ch. 583, § 1)

Sec. 7-2. Same—Meetings.

The Providence civilian defense council shall meet upon the call of either the chairman or the vice-chairman. (Ch. 8A, § 2, added by Ord. 1952, ch. 583, § 2)

Sec. 7-3. Same—General powers and duties.

The powers and duties of the Providence civilian defense council shall include the recommendation for adoption by the city council of a civilian defense plan for the city and the recommendation for adoption by the city council of any and all mutual aid plans and agreements which are deemed essential for the implementation of such civilian defense plan. The duties of such civilian defense council shall also include a continuing study of the need for amendments and improvements in the civilian defense plan adopted by the city council. (Ch. 8A, § 2, added by Ord. 1952, ch. 583, § 2)

Sec. 7-4. Powers and duties of director of civilian defense.

(a) There shall be a director of civilian defense, who shall have the authority to request the declaration of the existence of an emergency by the city council or by higher authority. In the event that it is deemed necessary to declare the existence of an emergency without delay if the city council is not in session, the mayor, upon his own initiative or upon request of the director, may do so, but such action shall be subject to confirmation by the city council at its next meeting.

(b) The duties and responsibilities of the director of civilian defense shall include the following:

(1) The control and direction of the actual or training efforts of the civilian defense organization of the city;
(2) The determination of all questions of authority and responsibility that may arise within the civilian defense organization of the city;
(3) The maintenance of necessary liaison with other municipal, area, state, regional, federal or other civilian defense organizations;
(4) The marshaling, after the declaration of an emergency as provided above, of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the civilian defense plan;
(5) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the civilian defense plan;
(6) The issuance of reasonable rules and regulations which are necessary for the protection of life and property in the city, including but not limited to rules and regulations applicable to blackouts and air raids;
(7) The supervision of the drafting and execution of mutual aid agreements entered into by the city;
(8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions; and
(9) The authorizing of agreements, after approval of the city solicitor, for the use of private property for air raid shelter and other purposes.

(c) The powers and duties referred to in paragraphs (4), (5), (6) and (8) of subsection (b) shall be exercisable only with the prior approval of the mayor. (Ch. 8A, § 3, added by Ord. 1952, ch. 583, § 3)

Sec. 7-5. Operational civilian defense organization.

(a) The operational civilian defense organization of the city shall consist of the officers and employees of the city designated by the director of civilian defense as well as all volunteer municipal defense workers.

(b) The functions and duties of this organization shall be distributed among such divisions, services and special

staff as the city council shall prescribe by ordinance. Any such ordinance shall set forth the forms of organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, title and terminology shall conform to the recommendations of the federal government and the recommendations of the civilian defense agency of the State of Rhode Island. (Ch. 8A, § 4, added by Ord. 1952, ch. 583, § 4)

Sec. 7-6. Oath of members of civilian defense council and operational organization.

Each person serving as a member of the civilian defense council, or as an officer, employee or volunteer in any capacity in the civilian defense organization created by ordinance pursuant to the authority herein conferred, shall, prior to assuming their duty or duties, take an oath which shall be substantially as follows:

"I _____, do solemnly swear (or affirm), that I will support and defend the Constitution of the United States and the Constitution of the State of Rhode Island, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any political party or organization, group or combination of persons that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the Civilian Defense Organization of the City of Providence I will not advocate nor become a member or an affiliate of any organization, group or combination of persons or of any political party that advocates the overthrow of the Government of the United States or of this State by force or violence." (Ch. 8A, § 5, added by Ord. 1952, ch. 583, § 5)

Sec. 7-7. Shelter managers—Designation as part of civil defense organization.

Shelter managers who possess a certificate of proper training from the civilian defense council shall be considered as a special staff forming part of the operational civil defense organization of the city. (Ord. 1963, ch. 1536, § 1)

Sec. 7-8. Same—Powers and duties.

Shelter managers shall be assigned to specific shelter areas by the civilian defense council, and shall be in complete charge of such specified shelter areas subject to orders of the civilian defense council or the director and/or deputy director of civilian defense when communication is possible. In the absence of such communication, the shelter manager of an assigned shelter area shall possess all the powers and duties of the civilian defense director as stated in section 7-4. Shelter managers who find themselves in a shelter not specifically assigned to them shall act as deputy shelter managers to the assigned shelter manager. In the absence of the assigned shelter manager, any shelter manager present shall assume the duties of the assigned shelter manager. (Ord. 1963, ch. 1536, § 3)

Sec. 7-9. Same—Commencement of duties.

The duties of the special staff of shelter managers shall begin upon the declaration of an emergency as stated in section 7-4, and shall continue so long as the declaration of the emergency is in force. (Ord. 1963, ch. 1536, § 2)

Sec. 7-10. Orders, rules and regulations pursuant to chapter to supersede existing provisions.

At all times during the existence of an actual emergency when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith, unless the city council shall otherwise determine. (Ch. 8A, § 8, added by Ord. 1952, ch. 583, § 8)

Sec. 7-11. Construction of chapter.

This chapter shall not be so construed as to conflict with any state or federal statute or with any military or naval order, rule or regulation. (Ch. 8A, § 9, added by Ord. 1952, ch. 583, § 9)

Sec. 7-12. Liability for death, injury, damage, from civilian defense activities.

(a) This chapter shall be construed as an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city, the agents and representatives of said city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to persons or property as the result of said activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege, or otherwise permits the city to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack, together with his successors in interest, if any, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person. (Ch. 8A, § 10, added by Ord. 1952, ch. 583, § 10)

Sec. 7-13. Obstructing members of organization; violation of rules and regulations; unlawful wearing of insignia.

It shall be unlawful for any person wilfully to obstruct, hinder or delay any member of the civilian defense organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained

in this chapter. It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the civilian defense organization of the city unless authority so to do has been granted to such person by the proper officials. (Ch. 8A, § 11, added by Ord. 1952, ch. 583, § 11)

Sec. 7-14. Display of lights in violation of order or regulation.

Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this chapter shall constitute a public nuisance and when deemed necessary in order to protect life or property during blackouts or air raids, the police shall be authorized and directed to enter upon any premises within the city, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulations promulgated under the authority conferred by this chapter. (Ch. 8A, § 6, added by Ord. 1952, ch. 583, § 6)

Sec. 7-15. Unauthorized operation of blackout or air raid signal.

It shall be unlawful for any unauthorized person to operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid. (Ch. 8A, § 7, added by Ord. 1952, ch. 583, § 7)

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Chapter 8

COURTS*

Sec. 8-1. Return of warrants issued by justice of police court.
Sec. 8-2. Disposition of fines, costs, fees in police court.
Sec. 8-3. Certification, payment of fees due witnesses in police court.
Sec. 8-4. Annual report of clerk of police court; required, contents.
Sec. 8-5. Days for holding court for transaction of probate business.
Sec. 8-6. Days for special sessions of probate court.
Sec. 8-7. Place for holding probate court.
Sec. 8-8. Microfilming records of probate court.

Sec. 8-1. Return of warrants issued by justice of police court.

All warrants issued by any justice of the police court and placed in the hands of an officer for service shall be returned, if not served, to the justice issuing the same, within three (3) months from the date thereof. (Ord. 1914, ch. 44, § 1; Rev. Ords. 1946, ch. 9, § 1)

Sec. 8-2. Disposition of fines, costs, fees in police court.

All fines, costs or fees accruing in any case in the police court shall be paid by any defendant or other person in his behalf to the clerk of the police court; and after paying to the witnesses in such case all fees due and unpaid to them, said clerk shall make return and payment of the balance, if any remains, to the city collector as provided by law. (Ord. 1929, ch. 714, § 1; Rev. Ords. 1946, ch. 9, § 2)

Cross reference—General penalty for Code violations, § 1-10.

Sec. 8-3. Certification, payment of fees due witnesses in police court.

The clerk of the police court shall, on application, give certificates of the amount of fees due to witnesses, other

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*Charter references—Preservation of existing laws pertaining to police court, § 1.5; preservation of existing laws pertaining to probate court, § 1.6; powers of city, § 2.1 et seq.

Cross references—General penalties for Code violations, § 1-10; city sergeant to serve writs, summons and other legal processes, § 2-175; penalties for traffic violations, payment of parking fine, etc., § 15-2 et seq.; reward for apprehension of person violating § 16-4, § 16-5.

State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

than the chief of police or police constables, who may have been summoned as witnesses in cases tried before the police court, whenever the costs in such cases have not been paid by the defendant or other person in his behalf. The city controller, upon presentation of such certificates, shall draw upon the city collector in payment of the amount thereof and take receipts therefor. (Ord. 1929, ch. 714, § 2; Rev. Ords. 1946, ch. 9, § 3)

Sec. 8-4. Annual report of clerk of police court; required, contents.

The clerk of the police court shall make a detailed report to the city council on the first Monday in January annually of the business done by said court during the preceding year, and failure to make such report shall render such clerk ineligible for reappointment. (Ord. 1929, ch. 714, § 3; Rev. Ords. 1946, ch. 9, § 4)

Sec. 8-5. Days for holding court for transaction of probate business.

For the transaction of probate business, or business to be done by a court of probate only, the judge of the probate court shall hold said court on Tuesday and Friday of each week; provided that in the months of July and August in each year, the regular sessions of said court shall be held on the second and fourth Tuesdays and on the Wednesdays next following said second and fourth Tuesdays in said months; and provided, also, that whenever any such day is a legal holiday then said court shall be held on the day next following. (Ord. 1925, ch. 455, § 1; Rev. Ords. 1946, ch. 9, § 5)

Cross reference—Seal of probate court, § 2-346.

State law reference—Special act fixing fees of probate court, P.L. 1932, ch. 1970.

Sec. 8-6. Days for special sessions of probate court.

Special sessions of the probate court may be held on such days as the judge of said court shall appoint. (Ord. 1929, ch. 689, § 1; Rev. Ords. 1946, ch. 9, § 6)

Sec. 8-7. Place for holding probate court.

The probate court shall be held in the city hall or at such place in the city as the judge of said court shall appoint. (Ord. 1914, ch. 36, § 2; Rev. Ords. 1946, ch. 9, § 7)

Sec. 8-8. Microfilming records of probate court.

The clerk of the probate court is hereby authorized to microfilm the original records of the proceedings of the probate court hereafter filed in said court, and to microfilm the reproductions of the original records of said probate court proceedings, which reproductions have heretofore been contained in bound volumes on file in said court. The microfilm shall be on paper that complies with the minimum standards of quality approved for photographic records by the National Bureau of Standards. After completion of said microfilming all original records and bound volumes containing the reproductions thereof may be put in storage for safekeeping in such place as may be decided, by the city council. A microfilms record shall be placed in conveniently accessible files in the probate court. (Ord. 1962, ch. 1500, § 1)

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Chapter 9

FIRE PREVENTION AND PROTECTION*

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*Charter references—Powers of city, § 2.1 et seq.; fire department, § 5.17 et seq.

Cross references—Egress requirements of certain occupancies, § 5-2; convalescent and nursing homes and similar establishments, § 5-13 et seq.; placing combustible refuse on vacant land, dumping ground, § 12-56; preparation of combustible refuse for collection, § 12-62; permit fees for bulk storage of petroleum products, § 14-8; smoking on buses, § 16-14.

State law references—State fire laws, chs. 23-28—23-30, 23-32, 23-35, 23-37, Gen. Laws 1956; state law giving council authority to make regulations for prevention of fire, § 45-6-1, Gen. Laws 1956; special act authorizing reimbursement of persons suffering damages caused by fire apparatus, P.L. 1912, ch. 874; special act authorizing appointment of honorably discharged soldiers and sailors to fire department, P.L. 1920, ch. 1929; state law as to regulations regarding manufacture, sale, storage and inspection of petroleum, and inflammable and explosive fluids, §§ 23-36-5—23-36-12, Gen. Laws 1956.

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Article I. In General

Sec. 9-1. Rules and regulations of fire department.

The commissioner of public safety as head of the fire department shall make such rules and regulations for the government of the officers and members of the fire department as he may deem advisable, and may establish such penalties for the violation of any such rule or regulation as he may consider necessary and proper for the enforcement of discipline and the due subordination of the members of the department. He shall also make suitable regulations under which the officers and members shall be required to

wear appropriate uniforms and badges as the exigencies of their duties may require, and by which, in case of fire, and at other times, the authority and relation of such officers and members shall be known. Every member of the department shall be furnished with a copy of such rules and regulations as are in force. (Ord. 1914, ch. 21, § 5; Rev. Ords. 1946, ch. 12, § 1)

Editor's note—P.L. 1951, ch. 2723, § 12, abolished bureau of police and fire.

Sec. 9-2. Powers of fire department officers at fire; assistance from inhabitants.

The officers of the fire department on duty at a fire shall have the power to suppress any tumult or disorder, and to order all individuals or companies to leave the neighborhood of any fire, and to command from the inhabitants of the city all needful assistance in the suppression of fires, and in the preservation of property exposed to fire. It shall be unlawful for any person to neglect or refuse to render assistance when lawfully called upon to do so by any of said officers at a fire, or to refuse to obey any lawful order of any officer, or to insult, menace or interfere with any officer or man connected with the department while on duty at a fire. (Ord. 1923, ch. 360, § 2; Rev. Ords. 1946, ch. 12, § 2)

State law reference—Police authority of officers of fire companies, §§ 23-37-1, 23-37-2, Gen. Laws 1956.

Sec. 9-3. Riding or climbing upon fire apparatus.

It shall be unlawful for any person other than the persons lawfully permitted, to ride or climb upon any fire apparatus belonging to the city and connected with the fire department, while the same shall be going to or returning from a fire, or an alarm of fire, or to climb or remain upon any fire apparatus belonging to the city and connected with the fire department, after being ordered to desist or remove therefrom, by the person in charge. (Ord. 1914, ch. 21, § 9; Rev. Ords. 1946, ch. 12, § 3)

Sec. 9-4. Taking fire department property out of city.

No property connected with the fire department shall be taken out of the city, unless by order of the mayor, or one of the members of the department. (Ord. 1914, ch. 21, § 11; Rev. Ords. 1946, ch. 12, § 4)

Sec. 9-5. Parades.

No public parade shall be made by the fire department or by any part or portion thereof, except with the consent of the commissioner of public safety as head of the fire department. (Ord. 1914, ch. 21, § 11; Rev. Ords. 1946, ch. 12, § 4)

Sec. 9-6. Injuring fire hose or apparatus.

It shall be unlawful for any person wantonly or maliciously to cut or otherwise injure any fire hose or apparatus belonging to the city and connected with the fire department. (Ord. 1914, ch. 21, § 7; Rev. Ords. 1946, ch. 12, § 30½)

Cross reference—Malicious injury, § 16-4 et seq.

Sec. 9-7. Obstructing fire escapes, passageways, doors, windows.

No person shall place or deposit or cause or permit to be placed or deposited any object or thing which, in any way, obstructs the free and easy passage of fire escapes, stairs, passageways, doors or windows or which will in any way interfere with the operations of the fire department or the egress of occupants in said building in case of fire. (Ch. 12, § 30.16, added by Ord. 1947, ch. 1617, § 14)

Sec. 9-8. Burning at dumping grounds.

No owner, lessee, occupant or person in general charge of any dumping place or ground, shall burn or suffer to be burned thereon, and no person shall ignite or burn thereon, any dead leaves, grass, weeds, empty boxes, crates, barrels, branches, limbs of trees, clothing, refuse, rubbish or waste

materials or substances of any kind whatsoever, without placing in charge thereof a person over eighteen (18) years of age, to guard and attend such fire. (Ch. 12, § 30.20, added by Ord. 1947, ch. 1617, § 17)

Cross reference—Garbage, trash and refuse, § 12-40 et seq.

Sec. 9-9. Burning in streets or highways.

No owner, lessee, occupant or person in charge of any building or dwelling shall burn or permit to be burned, and no person shall ignite or burn in any street or highway within the limits of the city, any dead leaves, grass, weeds, empty boxes, crates, barrels, branches, limbs of trees, clothing, refuse, rubbish or waste materials or substances of any kind whatsoever. (Ch. 12, § 30.21, added by Ord. 1947, ch. 1617, § 18)

Cross references—Lighting, building or making fire in parks, § 18-17; lighting, building or making fires, § 23-27.

Sec. 9-10. Refuse, rubbish, waste to be burned in covered receptacle.

No person shall burn or cause to be burned any refuse, rubbish or waste material or a fire to be made of anything without retaining said fire in a receptacle which shall be appropriately covered to reduce the hazard of flying embers or sparks. (Ch. 12, § 30.22(b), added by Ord. 1947, ch. 1617, § 19; Ord. 1951, ch. 513, § 1)

Cross reference—Garbage, trash and waste, § 12-40 et seq.

Sec. 9-11. Fire drills in schools.

It shall be the duty of private, public and parochial schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours. (Ch. 12, § 30.25, added by Ord. 1947, ch. 1617, § 22)

Secs. 9-12—9-21. Reserved.

Article II. Bureau of Fire Prevention*

Sec. 9-22. Establishment, control, operation and maintenance.

The commissioner of public safety shall be authorized to establish, control, operate and maintain a bureau of fire prevention, to be operated under the direct supervision of the chief of the fire department. (Ch. 12, § 30.1, added by Ord. 1947, ch. 1617, § 1)

Sec. 9-23. Chief of bureau.

The commissioner of public safety shall designate an officer or member of the fire department as chief of the bureau of fire prevention, who shall hold this office at the pleasure of the commissioner of public safety. (Ch. 12, § 30.2, added by Ord. 1947, ch. 1617, § 1)

Sec. 9-24. Assistant inspectors.

The chief of the fire department may detail such number of assistant inspectors as shall from time to time be authorized by the commissioner of public safety. (Ch. 12, § 30.3, added by Ord. 1947, ch. 1617, § 1)

Sec. 9-25. Duty to enforce laws, ordinances, regulations.

(a) It shall be the duty of the bureau of fire prevention to enforce all laws of the state and ordinances of the city, and all regulations that have or shall be adopted by the commissioner of public safety covering the following:

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*Editor's note—Ord. 1947, ch. 1617, from which this article is derived, provided in § 26 thereof that ch. 12, §§ 9—30 of the Revised Ordinances of 1946, derived from Ord. 1944, ch. 1286 and providing for a bureau of fire prevention, be repealed.

Charter references—Appointive officers and employees, § 4.1 et seq.; fire department, § 5.17 et seq.

Cross references—Egress requirements of certain occupancies, § 5-2; fire department, personnel thereof, §§ 17-15, 17-16; overtime and call-back pay in fire department, § 17-60—17-63; benefits payable for death of fireman in line of duty, § 17-67; entitlement of firemen to disability compensation, §§ 17-77—17-79; annual vacations, § 17-96; benefits for widows, § 17-128 et seq.

State law references—State law giving council authority to regulate for prevention of fire, § 45-6-1, Gen. Laws 1956; fire safety code, ch. 23-28.1 et seq., Gen. Laws 1956.

(1) The prevention of fires.
(2) The storage of petroleum and petroleum products in bulk, the storage of dangerous chemicals, the storage and use of all other explosive and flammables of whatever name or nature, as provided by Chapter 1079, Ordinances of 1956, the building ordinance, as amended.*
(3) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment.
(4) The condition and accessibility of exits in case of fire, from factories, schools, hotels, lodginghouses, asylums, hospitals, churches, halls, theatres, amphitheatres, and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose.
(5) The investigation of the cause, origin, and circumstances of fires.

(b) The bureau of fire prevention shall have such other powers and perform such other duties as are set forth in other sections of this chapter and as may be conferred and imposed from time to time by law and regulations adopted by said commissioner of public safety. The chief of the fire department may delegate any of his powers or duties under this chapter to the chief of the bureau of fire prevention. (Ch. 12, § 30.4, added by Ord. 1947, ch. 1617, § 2)

Sec. 9-26. Recommendation of ordinances for protection against fire.

It shall be the duty of the chief of the fire department to investigate the need of, and to recommend to the commissioner of public safety such additional ordinances, or amendments to existing ordinances or regulations, as he may deem necessary for safeguarding life and property against fire, and said commissioner of public safety shall make such recommendations to the city council or may adopt such regulations as he may deem in the interest of public safety. (Ch. 12, § 30.5, added by Ord. 1947, ch. 1617, § 3)

*Editor's note—The building ordinance is not included in this publication, but will be found on file in the office of the city clerk. See § 5-1, preserving the building ordinance from repeal.

Sec. 9-27. Chief of fire department to prepare instructions, forms for reports.

The chief of the fire department shall prepare instructions for the chief of the bureau of fire prevention and his assistants, and forms for their use in the reports required by this article. (Ch. 12, § 30.6, added by Ord. 1947, ch. 1617, § 4)

Sec. 9-28. Investigation of cause and origin of fires; notice to chief of fire department.

The bureau of fire prevention shall investigate the cause, origin and circumstances of every fire occurring in the city by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire, by the assistant inspector in whose district the fire occurs, and if it appears to the assistant inspector making the investigation that the fire is of suspicious origin, the chief of the fire department shall be immediately notified of the fact; he shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. (Ch. 12, § 30.7, added by Ord. 1947, ch. 1617, § 5)

Sec. 9-29. City solicitor to assist inspectors.

The city solicitor, upon request of the bureau of fire prevention, shall assist the inspectors in the investigation of any fire which, in their opinion, is of suspicious origin. (Ch. 12, § 30.24, added by Ord. 1947, ch. 1617, § 21)

Cross reference—City solicitor, § 2-98 et seq.

Sec. 9-30. Report of fires to bureau; required, contents.

Every fire shall be reported in writing to the bureau of fire prevention within two (2) days after the occurrence of the same, by the assistant inspector in whose jurisdiction such fire has occurred. Such report shall be in such form as shall be prescribed by the chief of the fire department, and shall

contain a statement of all facts relating to the cause, origin and circumstances of such fire, the extent of the damage thereof, if such property is insured, and such other information as may be required. (Ch. 12, § 30.8, added by Ord. 1947, ch. 1617, § 5)

Sec. 9-31. Records and statistics as to fires.

The chief of the fire department shall keep, in the office of the bureau of fire prevention, a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance. Such record shall be made daily from the reports made by the inspectors under the provisions of this chapter. All such records shall be public records. (Ch. 12, § 30.26, added by Ord. 1947, ch. 1617, § 23)

Sec. 9-32. Annual report of bureau; required, contents.

The annual report of the bureau of fire prevention shall be made on or before the 31st day of January in each year, and transmitted to the commissioner of public safety. It shall contain all proceedings under this chapter with such statistics as the chief of the fire department may wish to include therein. (Ch. 12, § 30.27, added by Ord. 1947, ch. 1617, § 24)

Sec. 9-33. Inspection of hazardous processes, explosives and inflammables, other hazards.

The chief of the fire department, chief of the bureau of fire prevention or assistant inspectors specially designated thereto shall inspect, as often as may be necessary, but not less than four (4) times a year, all hazardous manufacturing processes, storages or installations of acetylene or other gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as the chief of the fire department shall designate for the purpose of enforcing the

laws and ordinances governing the same, and for safeguarding of life and property from fire. (Ch. 12, § 30.9, added by Ord. 1947, ch. 1617, § 6)

Sec. 9-34. Inspections of buildings and premises.

It shall be the duty of the chief of the fire department to inspect, or cause to be inspected by the bureau of fire prevention, or by the fire department officers and members as often as may be necessary, but not less than twice a year in outlying districts and four (4) times a year in the closely built portions of the city all buildings and premises except the interiors of private dwellings for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or to increase danger to life or limb in case of fire, or any violations of the provisions or intent of any ordinance of the city or regulations adopted by the commissioner of public safety affecting the fire hazard, and the danger therefrom. (Ch. 12, § 30.10(A), added by Ord. 1947, ch. 1617, § 7; Ord. 1949, ch. 217, § 1)

Sec. 9-35. Inspection, report of hazards.

The chief of the fire department, the chief of the bureau of fire prevention, or any inspector, upon the complaint of any person or whenever he or they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Said officer or inspectors may enter any building or premises except the interior of private dwellings upon complaint or whenever he or they shall have cause to believe that a fire hazard exists or that the provisions of this chapter are being violated. Whenever any of said officers shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire and which is so situated as to endanger other property or the occupants thereof, a report of the hazardous conditions shall be submitted to the inspector of buildings for his consideration. (Ch. 12, § 30.11, added by Ord. 1947, ch. 1617, § 8)

Sec. 9-36. Inspection of buildings, receptacles, places where inflammables stored.

Before licenses may be issued for the keeping, storage, use, manufacture, sale, handling, or other disposition of highly flammable or explosive materials and rubbish, crude petroleum or any of its products, the chief of the fire department, the chief of the bureau of fire prevention, or assistant inspectors shall inspect and approve the receptacles, vehicles, buildings or storage places to be used for any such purpose. Nothing herein contained shall be in conflict with Article II, Part B of the Building Ordinance of the city, Chapter 1079 of the Ordinances of 1956, as amended. (Ch. 12, § 30.14, added by Ord. 1947, ch. 1617, § 11)

Editor's note—The building code is not included in this publication but will be found on file in the office of the city clerk. See § 5-1, preserving the building ordinance from repeal.

Sec. 9-37. Inspection of dumping grounds and places where waste, rubbish is placed.

The chief of the fire department or the chief of the bureau of fire prevention may cause to be inspected all dumping places or grounds within the limits of the city, where dead leaves, grass, weeds, branches or limbs of trees, old clothing, refuse, rubbish or waste materials of any kind are placed or deposited, and when said chief deems that said articles, rubbish or waste materials are so placed or deposited as to increase the danger of fire or the spreading of fire to adjacent property, said chief may order the owner, lessee, occupant or person having general charge of said premises to remove said articles, rubbish or waste materials. (Ch. 12, § 30.22(a), added by Ord. 1947, ch. 1617, § 19; Ord. 1951, ch. 513, § 1)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 9-38. Right of entry.

The chief of the fire department, the chief of the bureau of fire prevention, or any assistant inspector may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection or

investigation which, under the provisions of this chapter, he or they may deem necessary to be made, except the interior of private dwellings used and occupied as homes. (Ch. 12, § 30.12, added by Ord. 1947, ch. 1617, § 9)

Sec. 9-39. Interfering with inspection.

It shall be unlawful for any person to refuse to allow an inspection of the premises as aforesaid, or to hinder, obstruct or prevent the fire chief or his assistants from making such inspection as provided for herein. (Ch. 12, § 30.13, added by Ord. 1947, ch. 1617, § 10)

Sec. 9-40. Order to remove waste accumulations.

The chief of the bureau of fire prevention may, in writing, order every owner, lessee, occupant or any person having charge of premises described in this article, to remove said materials, waste, or rubbish or accumulations thereof, from said premises within three (3) days from the receipt of said order. If any person shall fail, neglect or refuse to remove said materials, waste or rubbish in compliance with the order, said chief shall cause the same to be removed. (Ch. 12, § 30.17, added by Ord. 1947, ch. 1617, § 15)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 9-41. Effect of failure to remove waste, accumulations on order.

In case an inflammable, combustible or explosive material, waste or rubbish shall not be removed within three (3) days from the receipt of the order as provided in section 9-40 the chief shall cause the same to be removed from such premises, and he shall thereupon cause notice in writing of the cost and expense of such removal to be given to such owner, lessee, occupant or person in charge of such premises, and he shall also certify the amount thereof to the city solicitor, and if such cost and expense shall not be paid by the person to whom said notice is directed within thirty (30) days, recovery of the same may be had in an action of the case

brought by said city collector, against such owner, lessee, occupant or person in charge of the premises. (Ch. 12, § 30.18, added by Ord. 1947, ch. 1617, § 16)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 9-42. Lien for cost of removal of waste, accumulations.

The city shall have a lien on any materials caused to be removed as provided in section 9-41 until the cost and the expense of removing same shall be paid. If the same shall not be paid within six (6) months, then said materials may be sold by said city collector at public or private sale after first advertising at least once in any newspaper published in the city. (Ch. 12, § 30.19, added by Ord. 1947, ch. 1617, § 16)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 9-43. Service of orders and notices.

Service of any order authorized by this chapter shall be made upon either the owner, occupant or person in charge of the premises affected. Said notice may be served upon the owner, occupant or person in charge of the premises affected by personally serving the order upon the person to be served; or by leaving said order at the last known abode of the person to be served with some person living there; or by mailing said order to the last known address of the person to be served. (Ch. 12, § 30.23, added by Ord. 1947, ch. 1617, § 20)

Secs. 9-44—9-53. Reserved.

Article III. Explosives and Inflammables*

Sec. 9-54. License required for manufacturing.

No person shall manufacture for sale, use or other purpose any gun cotton, dynamite, nitroglycerine, nitrogelatine,

*Charter reference—Fire department, § 5.17 et seq.

Cross references—Egress requirements of certain occupancies, § 5-2; permit fees for bulk storage of petroleum products, § 14-8; turning inflammables and hot water into sewers, § 25-1; depositing rubbish, other waste in sewers, § 25-2.

lyddite, cordite, fulminate or other high explosive or any substance a part of which shall be gun cotton, dynamite, nitroglycerine, nitrogelatine, picric acid, lyddite, cordite, fulminate, or other high explosive within the city, unless a license for the same shall be first obtained from the city council. (Ord. 1914, ch. 19, § 1; Rev. Ords. 1946, ch. 11, § 1)

Annotations—In granting a license under this section the board of aldermen of the City of Providence was exercising the authority delegated to it by the state and were not acting as agents of the city. **Miller v. Clarke, 47 R. I. 13, 129 A. 606, 608.**

In empowering the City of Providence to prohibit the manufacture, storing, and keeping of high explosives within the limits of that municipality the General Assembly to that extent conferred upon the city a portion of the police power of the state. **Miller v. Clarke, 47 R. I. 13, 129 A. 606, 608.**

The exercise of the power and authority to prohibit conferred upon the city was entirely discretionary. In the exercise of this delegated discretionary or semijudicial power, in the absence of an express provision to the contrary, the city is not subject to civil liability just as the sovereign is not. **Miller v. Clarke, 47 R. I. 13, 129 A. 606, 608.**

State law reference—Act regulating manufacture, sale, disposition, use and possession of explosives, ch. 5-9, Gen. Laws 1956.

Sec. 9-55. Conditions of license for manufacturing.

Each license for manufacturing issued hereunder shall be subject to such conditions and limitations as from time to time shall be prescribed by ordinance or by law, and may be revoked at any time at the pleasure of the city council. (Ord. 1914, ch. 19, § 1; Rev. Ords. 1946, ch. 11, § 1)

Sec. 9-56. Issuance, duration of license for manufacturing.

Every license for manufacturing issued hereunder shall be signed by the clerk of the council and shall be for a term

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State law references—For law permitting council to make regulations as to explosives, etc., § 23-36-1, Gen. Laws 1956; further provisions as to licensing manufacture of explosives by councils, ch. 5-9, Gen. Laws 1956; fireworks and firecrackers, § 11-47-5 et seq., Gen. Laws 1956; special act regulating storage of petroleum, kerosene, gasoline, etc., in excess of twenty-one thousand gallons, P.L. 1920, ch. 1958, as amended by P.L. 1922, ch. 2251; special act relative to storage, safekeeping and transportation of gunpowder, Act of Oct. 30, 1821; special act relative to storage of cotton waste, Act of June 25, 1847; special act relative to fireworks, P.L. 1885, ch. 520; special act regulating storing of lime, Act of Feb. 26, 1805; state law as to regulations regarding manufacture, sale, storage and inspection of petroleum and inflammable and explosive fluids, §§ 23-36-5—23-36-12, Gen. Laws 1956; fire safety code, ch. 23-28.1 et seq., Gen. Laws 1956; authority of city to prohibit automatic dispensing of petroleum products, §§ 23-36-13—23-36-16, Gen. Laws 1956.

of one (1) year from the date thereof, unless sooner revoked by order of said city council. (Ord. 1914, ch. 19, § 1; Rev. Ords. 1946, ch. 11, § 1)

Sec. 9-57. License required for storage.

No person, other than manufacturers licensed as aforesaid, shall store, keep or have in possession for any purpose or use, in any building or place within the city more than one pound of gun cotton, dynamite, nitroglycerine, nitrogelatine, lyddite, cordite, fulminate or other high explosive, or more than one pound of any compound or substance, a part of which is gun cotton, dynamite, nitroglycerine, nitrogelatine, picric acid, lyddite, cordite, fulminate or other high explosive, unless a license for the same shall be first obtained from the city council. (Ord. 1914, ch. 19, § 2; Rev. Ords. 1946, ch. 11, § 2)

Sec. 9-58. Issuance, duration of license for storage.

Every license for storage issued hereunder shall be signed by the clerk of council and shall be for the term of one (1) year from the date thereof, unless sooner revoked by order of the city council. (Ord. 1914, ch. 19, § 2; Rev. Ords. 1946, ch. 11, § 2)

Sec. 9-59. Conditions of license for storage.

Each license for storage issued hereunder shall be subject to such conditions and limitations as from time to time shall be prescribed by ordinance or by law, and may be revoked at any time at the pleasure of the city council. (Ord. 1914, ch. 19, § 2; Rev. Ords. 1946, ch. 11, § 2)

Sec. 9-60. Storage limited to fifty pounds in first building district.

No person subject to the provisions of sections 9-54 to 9-59 shall store, keep or have in possession for any purpose or use more than fifty (50) pounds in the aggregate of any one or more of said substances within the first building district in the city. (Ord. 1914, ch. 19, § 2; Rev. Ords. 1946, ch. 11, § 3)

Sec. 9-61. Exception to storage restrictions for pharmacists and celluloid.

The provisions of sections 9-57 to 9-59 hereof shall not apply to the storing, keeping or having in possession for any purpose or use of a ten per centum (10%) or weaker solution of nitroglycerine by pharmacists, or the combination of gun cotton or other explosive in what is known as celluloid. (Ord. 1914, ch. 19, § 2; Rev. Ords. 1946, ch. 11, § 4)

Sec. 9-62. Exception to storage requirements for dynamite for blasting.

Sections 9-57 to 9-59 hereof shall not apply to the storing, keeping or having in possession of any dynamite or other explosive, while being used for blasting according to and in the manner prescribed by permission granted by the director of public works pursuant to sections 9-74 to 9-76 of this chapter, or in accordance with the requirements specified in any contract made by the director of public works, or permit issued by him, under authority of law. (Ord. 1914, ch. 19, § 2; Rev. Ords. 1946, ch. 11, § 5)

Sec. 9-63. Increased danger from storage of explosive or inflammable wastes.

No person shall place or deposit or cause to be placed or deposited at, in or upon any premises, any inflammable, combustible or explosive materials, waste or rubbish or accumulations thereof which increase the danger of fire to the premises upon which they are placed or deposited or increase the danger of spread of fire to adjacent property or to the occupants of the same, either by reason of the amount or quantity placed or deposited, or by reason of the manner and method in which they are placed or deposited. (Ch. 12, § 30.15, added by Ord. 1947, ch. 1617, § 13)

Sec. 9-64. Transportation of high explosives.

No person shall transport any high explosives in, on or through any street within the city except in a vehicle with springs suitable for such purpose; and said licensee shall

stamp or mark all packages of said high explosives sold by him so as to plainly indicate the dangerous nature of said package, and shall also instruct the purchaser or his agent of the dangerous nature of said package and of the requirements of this section as to transportation. No company or person shall carry any high explosive in any motor bus within the city limits. (Ord. 1914, ch. 19, § 3; Rev. Ords. 1946, ch. 11, § 6)

Sec. 9-65. Chemicals made dangerous by contact with heat, water, moisture or each other.

No person shall store, keep or have in possession for any purpose or use in any building or place within the city, in any manner which shall be dangerous to the public safety, any chemicals which are made dangerous by contact with heat, water, moisture, or with each other. No quantity of sodium peroxide, calcium carbide or other chemicals, which are made dangerous by contact with water or moisture, shall be stored or kept below the ground floor of any building, nor shall any sodium peroxide or calcium carbide be stored or kept except in airtight metal cans. (Ord. 1914, ch. 19, § 4; Rev. Ords. 1946, ch. 11, § 7)

Sec. 9-66. Manufacture, use of acetylene.

No person shall manufacture or use acetylene gas within the city, unless such person shall first notify the bureau of fire prevention of the city of the place or location where such manufacture or use is to be carried on, and unless the apparatus used and the method of installation shall comply with the requirements of the American Insurance Association, successor to the National Board of Fire Underwriters. (Ord. 1914, ch. 19, § 5; Rev. Ords. 1946, ch. 11, § 8)

Sec. 9-67. Naphtha, gasoline, benzine, benzol or other hydrocarbon—Storage, use.

(a) No person shall store, keep or have in possession for any purpose or use, in any building or place within the city, more than five (5) gallons of naphtha, gasoline, benzine,

benzol or other hydrocarbon that will flash or inflame at a less temperature than one hundred ten (110) degrees Fahrenheit, unless such person shall have first filed with the bureau of fire prevention a statement of the maximum quantity of the same to be kept, stored or had in possession, and of the place where and manner in which the same is to be kept, stored or had in possession by such person, and unless said bureau, with regard to the public safety, shall have first approved in writing the maximum quantity, place where, and manner in which the same is to be stored, kept or had in possession, and the same shall not be stored, kept or had in possession by such person in any greater quantity, or in any other place or manner than as specified in said approval, but any such approval may be rescinded at any time at the pleasure of said bureau.

(b) Not more than five (5) barrels in the aggregate of any one or more of said substances shall be stored or kept in any building or place within the first building district of said city, except in a steel tank or tanks, which shall be located underground, the top of which if located in any building shall be below the level of the lowest floor or basement in the building containing the same, and all pipes of which shall be arranged to drain back into the supply tank; or if in the opinion of said bureau of fire prevention, the public safety will be as well or better protected by having said tank or tanks in any particular location, otherwise than underground, then in such other location as may be approved in writing by said bureau, but any such approval may be rescinded at any time at the pleasure of said bureau.

(c) Nothing in this section shall apply to the storing or keeping of naphtha, benzine, gasoline or other hydrocarbon in the tanks of vehicles using the same for fuel or motive power. (Ord. 1915, ch. 101, § 1; Rev. Ords. 1946, ch. 11, § 9)

State law reference—By special act, P.L. 1920, ch. 1958, as amended by P.L. 1922, ch. 2251, storage of petroleum, kerosene, gasoline, etc., in excess of twenty-one thousand gallons is regulated.

Sec. 9-68. Same—Keeping vehicles using same.

No person shall have, store, or keep in any one building within said city more than three (3) vehicles using naphtha,

benzine, gasoline or other product of petroleum that will flash or inflame at a less temperature than one hundred ten (110) degrees Fahrenheit, for fuel or motive power, unless such person shall have first filed with the bureau of fire prevention a statement of the number of such vehicles to be there had, stored or kept, the place where and the manner in which the same are to be there had, stored or kept, and unless said bureau, with regard to the public safety, shall have first approved in writing the place where and the manner in which the same are to be there had, stored or kept, and the same shall not be there had, stored or kept in any greater number, or in any other place or manner, than as specified in said approval, but any such approval at any time may be rescinded at the pleasure of said bureau. (Ord. 1914, ch. 19, § 7; Rev. Ords. 1946, ch. 11, § 10)

Sec. 9-69. Same—Use in stationary engines, devices.

No stationary engine, motor or other stationary apparatus or device using naphtha, benzine, gasoline or other product of petroleum that will flash or inflame at a less temperature than one hundred ten (110) degrees Fahrenheit, the supply tank of which contains more than two (2) gallons of the same, shall be installed, operated or used within the city unless the apparatus used and the method of installation shall comply with the requirements of the American Insurance Association, successor to the National Board of Fire Underwriters, and unless the bureau of fire prevention shall be notified in writing by the person installing, operating, or using the same of the place of the location of the same. (Ord. 1914, ch. 19, § 8; Rev. Ords. 1946, ch. 11, § 11)

Sec. 9-70. Appeals from decisions of bureau of fire prevention under sections 9-67 and 9-68.

Before any decision of the bureau of fire prevention shall become final, either as to refusing or rescinding its approval under the provisions of sections 9-67 and 9-68 hereof, the person aggrieved may appeal to the city council by filing his reasons for appeal with the clerk of the council within seven (7) days from the time of notice to such person of the

decision of said bureau of fire prevention, and the council, after giving such appellant an opportunity to be heard, shall approve or disapprove of the decision of said bureau; if approved, the same shall be final and binding upon such person from the date of such approval, and if disapproved, said bureau of fire prevention shall give its approval or cancel its action rescinding its approval. (Ord. 1914, ch. 19, § 10; Rev. Ords. 1946, ch. 11, § 12)

Sec. 9-71. Application of provisions to steamship and railroad agencies.

The provisions of this article shall not apply to any of the articles or substances specified herein, while they are in the possession of railroad or steamship companies, except in motor buses as provided in section 9-64 hereof, for the purpose of transportation, unless the same shall be held voluntarily by them as warehousemen. (Ord. 1914, ch. 19, § 12; Rev. Ords. 1946, ch. 11, § 13)

Sec. 9-72. Expiration of permits by limitation.

All permits granted for the erection, alteration or enlarging of any structure or part thereof to be used for the sale or storage of petroleum, kerosene, gasoline, coal tar or their products, compounds, or components at the end of six (6) months shall expire by limitation unless work thereunder shall be commenced within said period and prosecuted with reasonable diligence from the time such work is commenced. (Ord. 1931, ch. 816, § 1; Rev. Ords. 1946, ch. 11, § 14)

Sec. 9-73. Drainage of tanks abandoned by filling station.

Whenever any tank located on the premises of a public gasoline filling station, and used for the storage of gasoline or other inflammable liquids, shall be abandoned or its use discontinued, the owner or operator of the premises shall thoroughly drain and clean the tank in order to effectively remove its entire contents including any sediment therein. Such draining and cleaning shall be in a manner and by a process satisfactory to the inspector of buildings of the city. (Ord. 1943, ch. 1197, § 1; Rev. Ords. 1946, ch. 11, § 15)

Sec. 9-74. Permit required for blasting.

No person shall use any powder, dynamite or other explosive for blasting within the limits of the city except upon permission therefor duly granted by the director of public works, in writing, and not revoked as hereinafter provided, upon application made to him for that purpose, setting forth the location at which it is proposed to do such blasting, and upon such terms, conditions and restrictions as shall be imposed by said director. (Ord. 1914, ch. 49, § 19; Rev. Ords. 1946, ch. 11, § 16)

Sec. 9-75. Issuance of blasting permit.

The director of public works is hereby authorized to grant permission in writing to any person to use explosives for blasting at any place within the limits of the city, provided, in his opinion, such blasting can be done with safety to persons and property, upon such conditions and under such regulations and restrictions as he shall impose. Said director may require a bond in such amount and with such surety or sureties to his satisfaction as he shall deem sufficient, such bond to be given to said director for the benefit of any person who may suffer any damage by reason of the exercise of such permission to use explosives for blasting, conditioned to pay all damages and all costs of suits and losses and expenses of every name and nature which shall accrue to or be suffered by any person by reason of the exercise of such permission to engage in blasting, as aforesaid. (Ord. 1914, ch. 49, § 20; Rev. Ords. 1946, ch. 11, § 17)

Sec. 9-76. Revocation of blasting permit.

The director of public works is hereby authorized at any time to revoke any permission by him theretofore granted for the use of explosives for blasting, whenever, in his opinion, the safety of persons or property shall require such revocation, or whenever permission so granted by him shall by any person thereby authorized have been exercised in violation of any rule, regulation or restriction imposed by said director. (Ord. 1914, ch. 49, § 21; Rev. Ords. 1946, ch. 11, § 18)

Sec. 9-77. Inspection of buildings in area where explosives are used in construction.

Whenever in the course of the construction of highways or sewers or in the performance of other official duties, it becomes necessary for any city agency or department to use or supervise the use of explosives for blasting, the director of public works shall, prior to the blasting, designate a representative from his department to inspect the buildings in the surrounding area for the purpose of ascertaining the condition of their foundations and the walls and ceilings therein, and to file with said director of public works a written report concerning the same. (Ord. 1941, ch. 1060, § 1; Rev. Ords. 1946, ch. 11, § 19)

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Chapter 10

FOOD AND FOOD PRODUCTS*

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*Charter references—Powers of city, § 2.1 et seq.; superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15; bureau of licenses, § 5.35 et seq.

State law references—Sanitary inspection, §§ 21-27-1—21-27-9, Gen. Laws 1956; adulteration and misbranding food, §§ 21-1-1—21-1-15, 21-17-11—21-17-15, 21-23-1—21-23-9, Gen. Laws 1956; kosher food, §§ 21-16-1—21-16-4, Gen. Laws 1956.

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Article I. In General

Sec. 10-1. Handling to comply with rules of health departments.

No food, food products or beverages for public consumption shall be kept, offered for sale, transported or handled except in accordance with the rules and regulations of the state and city health departments. The superintendent of health is authorized to make such rules and regulations as he may deem necessary to safeguard the public health in regard to the cleaning and sterilization of utensils used in the preparation, serving and handling of foods; and is also authorized to make

such rules and regulations as he may deem necessary in regard to the sanitary requirements of premises where food or drink is prepared and sold for public consumption. (Rev. Ords. 1946, ch. 14, § 1)

Sec. 10-2. Inspection, condemnation of unwholesome provisions.

It shall be the duty of the inspector of provisions to visit from time to time, and at frequent intervals, all places within the city where fruit, vegetables, meat, fish, or other provisions, liable to become decayed, diseased or unwholesome, shall be kept, offered or exposed for sale. If he shall find or be informed that any of said articles so kept, offered or exposed for sale are decayed, diseased or unwholesome, he shall forthwith carefully inspect the same, and if, in his opinion, the same are decayed, diseased or unwholesome, he may seize and destroy such decayed, diseased or unwholesome fruit, vegetables, meat or other provisions. He shall keep a record of such seizures in a book to be kept for that purpose in the office of the superintendent of health. It shall be the duty of the inspector of provisions to act under the direction of the superintendent of health in the discharge of his duties as such inspector, and to make report thereof to said superintendent of health as often as required by said superintendent. (Rules of Bd. of Ald., ch. 1, r. 49; Rev. Ords. 1946, ch. 14, § 7)

State law reference—Special act relative to unwholesomeness, P.L. 1858, ch. 281.

Sec. 10-3. Right of entry for purpose of inspection.

The superintendent of health and any person appointed or employed by him for that purpose, is hereby authorized to enter and inspect all premises where food or drink is manufactured, prepared, sold or served for public consumption. (Rev. Ords. 1946, ch. 14, § 8)

Sec. 10-4. Standards for meat, meat products, meat food products.

No meat, meat products, or meat food product shall be sold or offered for sale in the city unless the same are United

States Government inspected according to regulations governing meat inspection of the Bureau of Animal Industry of the United States Department of Agriculture. If any meat food product is manufactured in the city which is not United States Government inspected, the same shall nevertheless meet the requirements governing meat inspection of the Bureau of Animal Industry of the United States Department of Agriculture. (Rules of Bd. of Ald., ch. 1, r. 49; Rev. Ords. 1946, ch. 14, § 7)

Sec. 10-5. Transporting condemned meat.

No person shall remove, carry or transport over, upon or through any street or highway of the city any diseased or putrid meat condemned by the superintendent of health, unless specially authorized so to do by said superintendent of health. (Ord. 1914, ch. 1, § 6; Rev. Ords. 1946, ch. 15, § 19)

Sec. 10-6. Contract for removal of condemned meat.

The superintendent of health is hereby authorized and empowered, in his discretion, in the name and behalf of the city, from time to time, to contract for the faithful performance of the work of removing from the city, and through the streets thereof, such meat as shall have been condemned by him, with such party as he shall authorize to make such removal, and upon such terms and conditions as he shall approve, provided the terms of any such contract shall not exceed five (5) years. (Ord. 1914, ch. 1, § 7; Rev. Ords. 1946, ch. 15, § 20)

Sec. 10-7. Certificate required to prepare and serve food or drink.

No person without the certificate hereinafter provided shall be engaged in the preparation or serving of food or drink in any licensed victualling house or tavern, or in any lunch stand, ice cream parlor, lunch wagon, soda water fountain or other public eating place where food or drink is provided in the city. (Ord. 1929, ch. 712, § 1; Rev. Ords. 1946, ch. 14, § 2)

State law reference—Health certificates, §§ 21-27-3, 21-27-4, Gen. Laws 1956.

Sec. 10-8. Examination of food handler for health certificate.

Every person named in section 10-7 shall be examined by the superintendent of health or some physician or physicians designated by him to ascertain if such person is suffering from or infected with any contagious disease. After such examination, which shall be made at least semiannually and at such other periods as may be designated from time to time by the superintendent of health, the superintendent of health shall issue to such persons as shall have passed a satisfactory examination a certificate setting forth that fact, which certificate shall be retained by the person to whom it has been issued. If however any person referred to in section 10-7 hereof prefers to be examined by a physician selected and paid by said person, such physician may indicate upon a form to be obtained from the superintendent of health the conditions found, and when this form is returned to the superintendent of health he shall issue the required certificate provided the health of said person is satisfactory. (Ord. 1929, ch. 712, § 1; Rev. Ords. 1946, ch. 14, § 3)

Sec. 10-9. Exhibit of health certificate upon request.

Every person to whom a certificate has been issued under the provisions of this chapter shall, when requested, exhibit the same to any health or police officer of the city. (Ord. 1929, ch. 712, § 1; Rev. Ords. 1946, ch. 14, § 4)

Sec. 10-10. Penalty for employing persons without health certificate.

The owner, proprietor or manager of any licensed victualling house or tavern, lunch stand, ice cream parlor, lunch wagon, soda water fountain or other public eating place, who suffers or permits any person without a certificate as provided for in sections 10-7 and 10-8 hereof to be employed in the preparation or serving of food or drink in any such establishment, victualling house or tavern, lunch stand, ice cream parlor, lunch wagon, owned, controlled or managed by him, shall be deemed guilty of a violation of this Code. (Ord. 1919, ch. 211, § 2; Rev. Ords. 1946, ch. 14, § 5)

Secs. 10-11—10-20. Reserved.

Article II. Food Establishments*

Sec. 10-21. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this article:

(a) *Restaurant.* The term "restaurant" shall mean restaurant, coffeeshop, cafeteria, lunch cart, delicatessen, caterer, ice cream parlor, cafe, bar, luncheonette, tavern, sandwich stand, soda fountain, short order cafe, grill, tearoom, cocktail lounge, nightclub, roadside stand, industrial-feeding establishment, private, public or nonprofit organization or institution routinely serving food, catering kitchen, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale or service on the premises or served elsewhere.

(b) *Itinerant restaurant.* The term "itinerant restaurant" shall mean one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

(c) *Traveling restaurant.* The term "traveling restaurant" shall mean one which moves from place to place to operate, dispensing sandwiches, frankfurts, box lunches, coffee, ice cream, etc.

(d) *Class "A" restaurant* shall mean a restaurant at a fixed location, in a building, where food or drink is served primarily for consumption on the premises.

Class "B" restaurant shall mean an itinerant or traveling restaurant.

(e) *Utensils.* "Utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

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*Charter references—Superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15; bureau of licenses, § 5.35 et seq.

State law references—Special act authorizing city to license, control and regulate victualling houses, P.L. 1948, ch. 2009; sanitary inspection of food business, §§ 21-27-1—21-27-9, Gen. Laws 1956.

(f) *Lunch cart restaurant.* A "lunch cart restaurant" shall mean an eating establishment which is moved to a specific place daily or a restaurant on wheels with no cellar underneath.

(g) *Delicatessen restaurant.* A "delicatessen restaurant" shall mean a place or establishment whose primary business is the selling of and precooking of meats to be consumed off the premises or the making of sandwiches for consumption off the premises.

(h) *Caterers.* "Caterers" shall mean establishments set up to prepare meals that will be transported and served at parties or banquets held on or off the premises.

(i) *Employee.* The term "employee" shall mean any person who handles food or drink during its preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

(j) *Health officer.* The term "health officer" shall mean the superintendent of health of the city, his deputies and inspectors. (Ch. 14, § 33, added by Ord. 1948, ch. 187, § 1; Ord. 1964, ch. 1590, § 1)

Sec. 10-22. Classification of restaurants.

The type of license required hereunder for any establishment shall be determined by the superintendent of health, who shall also determine whether any establishment shall be required to take out more than one type of restaurant license. (Ch. 14, § 35, added by Ord. 1948, ch. 187, § 3)

Sec. 10-23. License to operate restaurant—Required.

It shall be unlawful for any person to operate any victualling house or restaurant, as defined herein, unless such person first shall have procured a license therefor from the bureau of licenses. (Ch. 14, § 34, added by Ord. 1948, ch. 187, § 2; Ord. 1962, ch. 1515, § 1; Ord. 1964, ch. 1590, § 2; Ord. 1966, ch. 1793, § 1)

Sec. 10-24. Same—Issuance, fee, posting.

(a) The bureau of licenses shall issue licenses for all restaurants and shall collect the fees therefor.

(b) The annual fee for Class A Restaurants shall be twenty-five dollars ($25.00), for Class B Restaurants, ten dollars ($10.00), for lunch carts, fifty dollars ($50.00), for delicatessens, ten dollars ($10.00), for caterers, fifty dollars ($50.00). Restaurants operated by nonprofit organizations in public parochial or nonprofit private schools or hospitals not operated for profit shall be required to obtain a license but shall be exempt from the payment of the fees therefor. It shall be unlawful for any person to operate any victualling house or restaurant in the city without first having obtained a license for the conduct and operation of the same from the bureau of licenses and any such place which is operated without a license shall be closed forthwith by order of the bureau of licenses. Such licenses shall be posted in a conspicuous place on the premises. (Ch. 14, § 34, added by Ord. 1948, ch. 187, § 2; Ord. 1962, ch. 1515, 1; Ord. 1964, ch. 1590, § 2; Ord. 1966, ch. 1793, § 1)

Sec. 10-25. Same—Issuing and prorating licenses.

The license year shall begin on the first day of February of every year after the enactment hereof.

License fees shall be prorated on a semiannual basis when issued at any time during the last half of the license year. (Ch. 14, § 45, added by Ord. 1948, ch. 187, § 13)

Sec. 10-26. Same—Suspension, revocation.

(a) The bureau of licenses may at any time suspend any license for cause, for such time as it may deem necessary or reasonable under the circumstances, not exceeding ten (10) days.

(b) The bureau of licenses may revoke licenses issued by it after a hearing held before said bureau of licenses in accordance with the provisions of this article. (Ch. 14, § 34, added by Ord. 1948, ch. 187, § 2; Ord. 1962, ch. 1515, § 1; Ord. 1966, ch. 1793, § 1)

Sec. 10-27. Same—Notices, hearings on suspended or revoked licenses.

(a) *Suspension.* Any licensee whose license has been suspended shall be notified in writing of the reason for such action. Upon making written request therefor, he shall have the right to a prompt hearing by the bureau of licenses upon the charges preferred against him and may be represented at any such hearing by counsel.

(b) *Revocation.* Notice of the proposed revocation of any license shall be given in writing to the licensee by the bureau of licenses setting forth the grounds therefor, the time and place of the hearing thereon, and informing the licensee of his right to be represented by counsel. Such hearing shall be held promptly and notice thereof shall be personally served or sent by registered mail to the licensee at his last and usual place of abode, or to the location where the licensed business is located. Hearings shall not be had until at least seventy-two (72) hours from the mailing or delivery of said notice. (Ch. 14, § 44, added by Ord. 1948, ch. 187, § 12; Ord. 1962, ch. 1515, § 3; Ord. 1966, ch. 1793, § 1; Ord. 1966, ch. 1800, § 1)

Sec. 10-28. Reinstatement of license.

A suspended license may be reinstated by the superintendent of health or his deputy, when satisfied that proper corrections have been made. A revoked license cannot be reinstated, but a new license may be issued in its stead. (Ch. 14, § 40, added by Ord. 1948, ch. 187, § 8)

Sec. 10-29. Operation without license prohibited.

No restaurant within the city shall operate without first having obtained a license in accordance with this article. (Ch. 14, § 39, added by Ord. 1948, ch. 187, § 7)

Sec. 10-30. Licensing of mobile food establishments.

The provisions of sections 24-2 through 24-20, shall be applicable to licensing mobile food establishments; for every license granted for vehicles used for such purpose the sum of

fifty dollars ($50.00) shall be paid; provided however, that no such license shall be issued without the approval of the superintendent of health. (Ord. 1921, ch. 304; Rev. Ords. 1946, ch. 14, § 6)

Sec. 10-31. Inspection of restaurants.

(a) At least once every three (3) months the superintendent of health shall cause to be inspected by such deputies or inspectors as he shall appoint for that purpose, every restaurant located within the city. One copy of the inspector's report shall be left with the person in charge of the restaurant, which copy shall be made available to any and all patrons and shall not be disposed of or removed except by permission of the superintendent of health. Another copy of the inspector's report shall be kept on file with the records of the health department.

(b) In the event said superintendent of health or any of his deputies shall determine that a violation of the provisions of this article exists in any restaurant, he may allow the holder of said license to remedy the violations within such time as he shall order, and if said violation is not remedied at the end of such time, said license may immediately be suspended. All licensees shall notify the superintendent of health of any proposed changes in location, route or physical setup of the premises.

(c) The person operating the restaurant shall upon request of the health officer, permit access to all parts of the establishment. (Ch. 14, § 37, added by Ord. 1948, ch. 187, § 5)

Sec. 10-32. Sanitation requirements for restaurants.

All restaurants shall comply with the following regulations of sanitation insofar as they are applicable to the type of restaurant involved:

Item 1. Floors.

In all class A restaurants, the floors of all rooms in which food or drink is stored, prepared, or served, or in which uten-

sils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

Item 2. Walls and ceilings.

Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared, or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

Item 3. Doors and windows.

When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

Item 4. Lighting.

All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

Item 5. Ventilation.

All rooms in which food or drink is stored, prepared or served, or in which utensils are washed, shall be well ventilated.

Item 6. Toilet facilities.

Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees, conforming with the ordinances of the city. Toilet rooms shall not open directly into any room in which food, drink, or utensils are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well-lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. In restaurants hereafter constructed to seat fifty (50) or more persons at one time, provision shall be made for toilet facilities for patrons; said toilets may be used by employees and the above regulations shall apply.

Item 7. Water supply.

All class A restaurants must be connected with the city water supply.

Item 8. Lavatory facilities.

Adequate and convenient hand-washing facilities shall be provided including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

Item 9. Construction of utensils and equipment.

All multiuse utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used; provided that solder containing lead may be used for jointing.

Item 10. Cleaning and bactericidal treatment of utensils and equipment.

All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once. Thermometers shall be kept readily available to show the temperature of the water in the sink where washing and sterilizing is accomplished. Automatic dishwashing and sanitizing equipment shall have built-in thermometers to show the temperature of the washing and sterilizing water. The health officer shall check the efficiency of said thermometers from time to time, at his discretion.

All multiuse eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multiuse utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bac-

tericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils. All class A restaurants must use heat sterilization for glassware and tableware.

Item 11. Storage and handling of utensils and equipment.

After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner. If ultraviolet light is used maintaining sterility of glassware, etc., said light shall be kept in proper order and strength at all times.

Item 12. Disposal of wastes.

All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

Item 13. Refrigeration.

All readily perishable food and drink shall be kept at or below fifty (50) degrees Fahrenheit except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of. Refrigerators shall have thermometers to indicate the temperature therein.

Item 14. Wholesomeness of food and drink.

All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream and other frozen desserts served shall be from approved sources. Milk shall be served in the individual original containers in which it was received from the distributor; provided, that this requirement shall not apply to cream which may be served from the original bottle or from a dispenser approved for such service.

All oysters, clams and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant.

Item 15. Storage, display and serving of food and drink.

All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals except cats and no fowl shall be kept or allowed in any room in which food or drink is prepared or stored or served. All class A restaurants shall be rodent proof and all flies, roaches and rodents shall be eliminated by methods approved by the superintendent of health.

Item 16. Cleanliness of employees.

All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared. Employees shall wear head coverings, caps, or hairnets to prevent falling hair from getting into food.

Item 17. Miscellaneous.

The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. (Ch. 14, § 38, added by Ord. 1948, ch. 187, § 6)

Sec. 10-33. Examination and condemnation of unwholesome or adulterated food or drink.

Samples of food, drink, and other substances may be taken and examined by the health officer as often as may be necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or

cause to be removed or destroyed any food or drink which is unwholesome or adulterated. (Ch. 14, § 36, added by Ord. 1948, ch. 187, § 4)

Sec. 10-34. Disease control; health of employees.

No person who is affected with any disease in a communicable form or who is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If any restaurant manager has reason to believe that any employee has contracted any disease in a communicable form or has become a carrier of such disease he shall notify the health officer immediately. A placard containing this section shall be posted in all toilet rooms. (Ch. 14, § 41, added by Ord. 1948, ch. 187, § 9)

Sec. 10-35. Procedure when infection suspected.

When the superintendent of health shall have reason to believe that the transmission of infection is possible from any restaurant employee, the superintendent of health is hereby authorized to require any or all of the following measures:

(a) The immediate exclusion of the employee from all restaurants;

(b) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the superintendent of health;

(c) Adequate medical examination of the employee and of his associates, with such laboratory examinations as may be indicated. (Ch. 14, § 42, added by Ord. 1948, ch. 187, § 10)

Sec. 10-36. Enforcement interpretation.

The superintendent of health is hereby authorized to make such new and additional rules and regulations as he may deem necessary to more effectively enforce the provisions and intent of this article, and such rules and regulations shall have

the same force and effect as the provisions of this article until changed by the city council by ordinance duly enacted. (Ch. 14, § 43, added by Ord. 1948, ch. 187, § 11)

Sec. 10-37. Copies of regulations to be furnished.

Licensees shall receive a copy of this article and all rules and regulations supplementary thereto at the time of receiving their licenses for the first time, and thereafter they shall receive copies on request. (Ch. 14, § 44, added by Ord. 1948, ch. 187, § 12; Ord. 1966, ch. 1793, § 1; Ord. 1966, ch. 1800, § 1)

Sec. 10-38. Penalty for violation of article.

Any person who shall violate any of the provisions of this article or any rule or regulation of the superintendent of health made in accordance with the provisions hereof shall be guilty of offense and shall be punished in accordance with section 1-10 of this Code of Ordinances. (Ch. 14, § 43, added by Ord. 1948, ch. 187, § 11)

Secs. 10-39—10-48. Reserved.

Article III. Milk and Milk Products*

Sec. 10-49. Meaning of "cream".

The term "cream" for the purpose of this article shall mean that portion of milk which rises to the top of unagitated and unadulterated milk while standing, or is separated from unadulterated milk by centrifugal force, and which cream contains not less than eighteen per centum (18%) of butterfat, whether or not such cream had been condensed, evaporated, concentrated, powdered, dried or desiccated. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 2)

*Charter references—Superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15; bureau of licenses, § 5.35 et seq.

State law references—Sanitary inspection, §§ 21-27-1—21-27-9, Gen. Laws 1956; adulteration and misbranding, §§ 21-1-1—21-1-15, 21-17-11—21-17-15, 21-23-1—21-23-9, Gen. Laws 1956.

Sec. 10-50. Foreign substance not to be added to cream.

No cream shall be sold or offered for sale within the city, to which any foreign substance has been added. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 3)

Sec. 10-51. Containers for cream to state minimum per centum of butterfat.

All containers in which cream is sold or offered for sale within the city, shall be plainly marked with a cap, or label, stating in legible bold-faced letters not less than twelve point plain Gothic type, the minimum per centum of butterfat contained in such cream, except that it shall be permissible to mark a cream "Light Cream" provided it contains not less than eighteen per centum (18%) of butterfat, or "Medium Cream" provided it contains not less than twenty-five per centum (25%) of butterfat, or "Heavy Cream" provided it contains not less than thirty-eight per centum (38%) of butterfat. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 4)

Sec. 10-52. Labeling cream.

Condensed, evaporated, concentrated, powdered, dried, desiccated, or sour cream when offered for sale within the city shall be plainly labeled as such. All other cream shall be offered for sale in containers plainly marked with a cap or label bearing one and only one of the following designations, in legible bold-faced letters not less than twelve point plain Gothic type: "Certified," "Certified-Pasteurized," "Grade A Pasteurized," "Pasteurized," and cream marked with any one of the above named designations shall have been obtained only from milk of equal quality to that required for that grade as defined in General Laws, Chapter 216, section 22, as amended. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 5)

Sec. 10-53. Cream must be standard.

No cream that does not comply with the definition of cream in section 10-49 shall be sold, or offered for sale within the city under any of the grades designated in section 10-52. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 6)

Sec. 10-54. Bacteria count of cream and milk.

(a) No cream other than sour cream, shall be sold or offered for sale within the city that contains more than 200,000 bacteria per cubic centimeter, nor that has a temperature of more than fifty (50) degrees Fahrenheit at any time before delivery to the consumer.

(b) No milk shall be sold or offered for sale within the city that contains more than 25,000 bacteria per cubic centimeter as determined by a logarithmic average of four (4) consecutive samples taken not less than twenty-four (24) hours apart, nor that has a temperature of more than fifty (50) degrees Fahrenheit at any time between pasteurization and delivery.

(c) No grade A milk shall be sold or offered for sale within the city that contains more than 10,000 bacteria per cubic centimeter as determined by logarithmic average of four (4) consecutive samples taken not less than twenty-four (24) hours apart.

(d) If the inspector of milk finds that the average bacterial count of a grade A milk contains more than 10,000 bacteria per cubic centimeter, he shall immediately notify the distributor of said milk and the proper state authorities, and said distributor may no longer sell his milk in the city as grade A milk, until such time as four (4) additional consecutive samples taken not less than twenty-four (24) hours apart, between each sample, give an average logarithmic bacterial count that complies with the standard set for grade A milk, by this section.

(e) No milk, cream, milk product or frozen dessert shall be sold or offered for sale within the city that shows an excess of ten colonies of lactose-fermenting bacteria per cubic centimeter when plated on desoxycholate agar described in the "Standard Methods for the Examination of Dairy Products" published by the American Public Health Association. Sampling for such tests shall be done only at the plant where the product is pasteurized and shall be done immediately after

the process of pasteurization is completed. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 7; Ord. 1950, ch. 421, § 1)

Sec. 10-55. Milk or cream with a temperature above fifty degrees Fahrenheit.

It shall be the duty of the inspector of milk or his deputy or duly authorized agent to visit from time to time and at frequent intervals all places where milk or cream shall be kept for the purpose of pasteurization, sale, exchange or delivery in the city, and if he, his deputy or duly authorized agent shall find any such milk or cream with a temperature above fifty (50) degrees Fahrenheit he shall in the presence of a witness again determine such temperature and if it is above fifty (50) degrees Fahrenheit he shall forthwith seize, destroy or ship back to the producer such milk or cream and he shall keep a record of the time, temperature, and amount of such milk or cream in the office of the inspector of milk. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 9; Ord. 1950, ch. 421, § 1)

Sec. 10-56. Increasing vitamin content of milk or cream.

The sale in the city of fresh fluid milk or cream, the vitamin content of which has been artificially increased, is restricted to such milks as have their vitamin content increased by controlled additions to the diet of the cows producing such milk. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 10)

Sec. 10-57. Handling pasteurized milk, milk products.

(a) All pasteurized milk, cream, and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized. Pasteurized milk and milk products sold in the distributor's containers in quantities less than one gallon shall be delivered in standard milk bottles or in single-service containers. Hotels, soda fountains, restaurants, groceries and similar establishments shall not sell or serve any pasteurized milk, cream, or milk products except in the original container in which it was received from the distribu-

tor or from a bulk container equipped with a dispensing device each separate installation of which is approved by the inspector of milk, provided that this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

(b) All milk and cream sold or delivered in the city in returnable containers shall be provided with a closure cap completely covering the pouring lip in a manner satisfactory to the inspector of milk. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 11; Ord. 1950, ch. 421, § 1)

Sec. 10-58. Standards for raw milk.

No raw milk shall be sold, exchanged, delivered or offered for sale, exchange or delivery within the city, except milk sold, exchanged or delivered for the purpose of being pasteurized, unless such raw milk has a bacteria count of less than 10,000 colonies per cubic centimeter as an average bacteria count of any four (4) consecutive samples examined by the inspector of milk using methods set forth in the current edition of "Standard Methods of Milk Analysis" of the American Public Health Association, and unless such raw milk be produced from cows that are certified to be free from Bang's disease, tuberculosis and mastitis by a licensed veterinarian at such intervals as the inspector of milk shall deem necessary for the protection of the milk consuming public. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 1; Ord. 1946, ch. 1503, § 1)

Sec. 10-59. Standards for homogenized milk.

All milk sold or offered for sale as "Homogenized Milk" within the city shall have first been clarified by a method approved by the inspector of milk and shall, subsequent to clarification, have been treated in such a manner as to insure breakup of the fat globules to such an extent that after forty-eight (48) hours' storage no visible cream separation occurs on the milk and the fat percentage of the top 100 c.c.

of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten per cent (10%) of itself from the fat percentage of the remaining milk as determined after thorough mixing. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 12)

Sec. 10-60. Reports of inspector of milk.

(a) The person charged as inspector of milk shall make in print, or by other duplicating process, quarterly reports to the city council in January, April, July and October, in each year, for the quarter of the calendar year next preceding, of the number of milk licenses issued, the number of samples of milk taken, the number of tests and analyses of milk made, and the names of any persons prosecuted for any alleged violations of the milk laws in the city, and the nature of the complaints against them, respectively, and such other information in regard to the operation of his office as may be desirable.

(b) Each such report shall include a statement of the names of all retail milk dealers, except proprietors of stores and restaurants, from whom samples have been taken and the averages of the results of these tests or analyses on samples taken from them and tested by employees or officers of the milk department. (Rules of Bd. of Ald., ch. 3, r. 2; Rev. Ords. 1946, ch. 20, § 13)

Sec. 10-61. Inspector to give notice of violation; third offense.

The person charged as inspector of milk shall send written notice to any person violating any of the provisions of this article, and upon the third and each subsequent violation such person shall be deemed guilty of an offense, punishable as provided in section 1-10. (Rules of Bd. of Ald., ch. 7; Rev. Ords. 1946, ch. 20, § 8)

Secs. 10-62—10-71. Reserved.

Article IV. Frozen Desserts*

Sec. 10-72. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this article:

(a) *Frozen desserts.* A frozen dessert is any clean frozen or partially frozen combination of two or more of the following: Milk or milk products, eggs or egg products, sugars, water, fruit or fruit juices, candy, nutmeats, or other harmless and wholesome food products, flavors, color, or harmless stabilizer, and shall be deemed to include ice cream, frozen custard, ice milk, milk sherbet, ices, and other similar products.

(b) *Milk and milk products.* Milk and milk products used in mix or frozen desserts shall include milk, cream, frozen cream, plastic cream, fluid skim milk, butter, sweetened and unsweetened evaporated milk, sweetened and unsweetened evaporated skim milk, sweetened and unsweetened condensed milk, sweetened and unsweetened condensed skim milk, powdered whole milk, powdered skim milk, sweet cream buttermilk, sweet cream condensed buttermilk, and sweet cream powdered buttermilk, or any of these products from which lactose has been wholly or partially removed.

(c) *Mix.* Mix is the unfrozen combination of all ingredients of a frozen dessert with or without fruits, fruit juices, candy, nutmeats, flavor, or harmless color.

(d) *Pasteurization.* The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer to the process of heating every particle of mix to at least one hundred fifty-five (155) degrees Fahrenheit and holding at such temperature for at least thirty (30) minutes in approved and properly operated equipment; provided that nothing contained in this definition shall be construed as disbarring any other process

*Charter references—Superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15; bureau of licenses, § 5.35 et seq.
State law references—Sanitary inspection, §§ 21-27-1—21-27-9, Gen. Laws 1956; adulteration and misbranding, §§ 21-1-1—21-1-15, 21-17-11—21-17-15, 21-23-1—21-23-9, Gen. Laws 1956.

which has been demonstrated to be equally efficient and is approved by the state health authority or superintendent of health. A positive phosphatase test on the finished product shall be considered evidence of improper pasteurization.

(e) *Frozen desserts plant.* A frozen desserts plant is hereby defined as any place or premises where frozen desserts or mixes are manufactured, processed or frozen for distribution or sale.

(f) *Frozen desserts manufacturer.* A frozen desserts manufacturer is any person who manufactures, processes or freezes any mix or frozen desserts for distribution or sale.

(g) *Milk products plant.* A milk products plant shall mean any place or premises where milk or milk products are skimmed, condensed, evaporated, powdered, manufactured into butter, or otherwise processed for subsequent manufacture of mix or frozen desserts.

(h) *Receiving station.* A receiving station shall mean any place or premises where milk or milk products are received for subsequent delivery to milk products plants or frozen desserts plants.

(i) *Dairy farm.* A dairy farm is any place or premises where one or more cows or goats are kept, a part or all of the milk or milk products from which is sold or offered for sale.

(j) *Health officer.* The term "health officer" shall mean the superintendent of health of the city, or his authorized representatives.

(k) *Average bacterial plate count, direct microscopic count, reduction time, and cooling temperature.* Average bacterial plate count and average direct microscopic count shall be taken to mean the logarithmic average of the respective results of the last four (4) consecutive samples, taken upon separate days, irrespective of the date of grading or regrading.

(l) *Adulterated or misbranded frozen desserts or mix.* Adulterated or misbranded frozen desserts or mix shall mean

any frozen desserts or mix which contains any unwholesome substance, or which carries a grade label unless such grade label has been awarded by the health officer and not revoked shall be deemed adulterated and/or misbranded.

(m) *Grading period.* The grading period shall be taken to mean the interval between the public announcements of the grades of frozen desserts plants and shall in no case exceed six (6) months. (Ch. 14, § 16(a)—(d), (f)—(m), (o), added by Ord. 1950, ch. 358, § 1)

Sec. 10-73. Scope of authority of bureau of licenses.

(a) The authority of the bureau of licenses, with respect to licenses or permits hereunder shall be limited to the issuance and revocation of the same but only upon the written recommendation of the health officer, and the collection of the fees therefor.

(b) Said authority to license shall not limit or detract from the authority and duties of the superintendent of health with respect to the enforcement of this article and the supervision of licensees hereunder including the right to suspend permits. (Ord. 1950, ch. 358, § 3; Ord. 1962, ch. 1516, § 1)

Sec. 10-74. Permits to handle frozen desserts or mix—Required.

It shall be unlawful for any person who does not possess a permit from the bureau of licenses to directly or indirectly deliver into or receive into the city for sale, or to produce, sell or offer for sale therein, or to have in storage where mix or frozen desserts are sold or served, any mix or frozen dessert. Said permits shall be issued only upon the written recommendation of the superintendent of health. (Ch. 14, § 18, added by Ord. 1950, ch. 358, § 3; Ord. 1962, ch. 1516, § 1)

Sec. 10-75. Same—Issuance, conditions.

Only a person who complies with the requirements of this article shall be entitled to receive and retain the permit required in section 10-74. All such permits shall be prominently

posted. All permits shall expire annually on the last day of March. (Ch. 14, § 19, added by Ord. 1950, ch. 358, § 3; Ord. 1962, ch. 1516, § 1)

Sec. 10-76. Same—Fees designated; proration of fees.

(a) Fees for permits hereunder shall be prorated on a quarterly basis.

(b) The annual fee for permits shall be as follows:

(1) Manufacturers, processing and pasteurization plants where the product is sold at wholesale or retail for resale off the premises: Fifty dollars ($50.00) each.

(2) Manufacturers, processing and pasteurization plants where the product is sold only at retail for consumption on the premises: Twenty-five dollars ($25.00) each.

(3) Ice cream wagons, ice cream parlors and similar places: Ten dollars ($10.00) each, provided such fee shall not be required of holders of any type of victualling licenses except caterers. (Ch. 14, § 20, added by Ord. 1950, ch. 358, § 3; Ord. 1962, ch. 1516, § 1; Ord. 1963, ch. 1533, § 1)

Sec. 10-77. Same—Suspension and revocation.

(a) *Suspension.* The health officer may, at any time, suspend a permit hereunder for cause for such time as he may deem necessary or reasonable under the circumstances, not exceeding ten (10) days.

(b) *Notice, hearing on suspension.* Any licensee whose permit hereunder has been suspended shall be forthwith notified in writing of the reason for such action. Upon making written request therefor, he shall have the right to a prompt hearing before the health officer upon the charges preferred against him and may be represented at any such hearing by counsel.

(c) *Revocation.* Permits hereunder may be revoked by the bureau of licenses for cause upon the written recommendation of the health officer.

(d) *Notice, hearing on revocation.* Notice of the proposed revocation of any permit hereunder shall be given in writing to the licensee, setting forth the grounds therefor, the time and place of the hearing thereon, and informing the licensee of his right to be represented by counsel. Such hearing shall be held promptly and notice thereon shall be personally served or sent by registered mail to the licensee at his last and usual place of abode, or to the location where his place of business is located. Hearings shall not be had until at least seventy-two (72) hours from the mailing or delivery of said notice. (Ch. 14, § 21, added by Ord. 1950, ch. 358, § 3; Ord. 1951, ch. 472, § 1; Ord. 1962, ch. 1516, § 1)

Sec. 10-78. Suspension, revocation of permit for violation of article.

Any person who shall violate any provision of this article may have his permit suspended or revoked for cause after reasonable notice of hearing and an opportunity to be heard and in addition he may be prosecuted under this article subject to the penalty in section 1-10 of this Code of Ordinances. (Ch. 14, § 32, added by Ord. 1950, ch. 358, § 14)

Sec. 10-79. Labeling and placarding.

(a) All cans, packages and other containers enclosing mix, frozen desserts or their ingredients derived from milk, except those filled from labeled bulk containers in retail dispensing, shall be plainly labeled or marked with:

(1) The name of the contents;
(2) In the case of mix the word "pasteurized" if the contents have been pasteurized and the word "raw" if the contents have not been pasteurized; and
(3) The name and the street address, or the permit number, of the plant at which the contents were placed in the container.

A descriptive word or phrase indicating in more detail the composition or flavoring of the mix or frozen dessert, such as strawberry, chocolate, custard, lemon, etc., may be used on the label. The label or mark shall be in letters of a size and kind,

approved by the health officer. Trade names and trademarks may be permitted. The label shall contain no marks or words which are misleading.

(b) No person, who manufactures, distributes, or dispenses frozen desserts or mix, may display or advertise any grade placard, sign or notice without the approval of the health officer. (Ch. 14, § 22, added by Ord. 1950, ch. 358, § 4)

Sec. 10-80. Inspection of frozen desserts plants.

(a) At least once during each grading period the health officer shall inspect all frozen desserts plants the products of which are intended for consumption within the city. The health officer may in lieu of inspection by himself or his deputies accept a certificate of inspection by a qualified person, acceptable to said health officer, attesting to the fact of inspection in accordance with the provisions of this article. In case the health officer discovers a violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied but not before the lapse of three (3) days, and the second inspection shall be used in determining compliance with the grade requirements of this article. Any violation of the same item of this article on two (2) consecutive inspections may result in immediate degrading or suspension of permit.

(b) One copy of each inspection report shall be delivered to the owner of the premises inspected, or his agent, and shall be readily available at any time for a period of twelve (12) months. Another copy of the inspection report shall be filed with the records of the health department. (Ch. 14, § 23, added by Ord. 1950, ch. 358, § 5)

Sec. 10-81. Examination of frozen desserts and ingredients.

(a) During each grading period at least four (4) samples of frozen desserts and pasteurized mix from each plant shall be tested by the health officer. Samples of mix or frozen desserts may be taken by the health officer at any time prior to final delivery. Samples of ingredients may be tested as

often as the health officer may require. Samples of frozen desserts from stores, cafes, soda fountains, restaurants, and other places where frozen desserts are sold may be tested as often as the health officer may require. Bacterial plate counts and direct microscopic counts shall be made in conformity with regulation of the superintendent of health. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration, these examinations to be made in conformity with regulations of the superintendent of health. All proprietors of plants, stores, cafes, restaurants, soda fountains, and other similar places shall furnish the health officer, upon his request, with the names of all persons from whom their mix or frozen desserts are obtained.

(b) Whenever the average bacterial count, the average reduction time, or the average cooling temperature falls beyond the limit for the grade then held, the health officer shall send written notice thereof to the plant concerned, and shall take an additional sample, but not before the lapse of three (3) days, for determining a new average in accordance with section 10-72(k) of this article. Violation of the grade requirements by the new average or by a subsequent average during the remainder of the current grading period may result in immediate degrading or suspension of the permit, unless the last individual result is within the grade limit. (Ch. 14, § 24, added by Ord. 1950, ch. 358, § 6)

Sec. 10-82. Grading of frozen desserts plants.

The health officer shall announce the grades of all frozen desserts plants the products of which are ultimately consumed within the City of Providence in the quarterly milk reports. Said grades shall be based upon the following standards:

(A) SANITATION REQUIREMENTS FOR GRADE A FROZEN DESSERTS PLANTS.

All grade A frozen desserts plants shall comply with the following items of sanitation:

Item 1p. Floors.

The floors of all rooms in which mix, frozen desserts or their ingredients are manufactured, frozen or stored, or in which containers and utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains and kept clean; provided that cold storage room need not be provided with drains; provided further, that the construction requirements of this shall be waived, in frozen desserts plants which freeze and sell only at retail on the premises, if the portion of the room in which the freezer is installed and the room in which containers or utensils are washed have impervious floors or solid floors covered with tight linoleum or other approved washable material.

Item 2p. Walls and ceilings.

Walls and ceilings of rooms in which mix, frozen desserts, or their ingredients are manufactured or frozen, or in which containers or utensils are washed, shall have a smooth, washable, light-colored surface, and shall be kept clean.

Item 3p. Doors and windows.

Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened and doors shall be self-closing.

Item 4p. Lighting and ventilation.

All rooms shall be well lighted and ventilated.

Item 5p. Miscellaneous protection from contamination.

The various plant operations shall be so located and conducted as to prevent any contamination of the mix, frozen desserts, their ingredients, cleaned equipment or containers. Approved means necessary for the elimination of flies shall be used. Separate rooms shall be provided for (a) the pasteurizing, processing, cooling, freezing and packaging operations, and (b) the washing and bactericidal treatment of containers; provided that, requirement (a) shall be satisfied, in frozen desserts plants which freeze and sell only at retail

on the premises, if all mixing, freezing, and packaging processes, but not necessarily the hardening and storage compartments are enclosed in a tight glass or other sanitary enclosure which is open only on the side farthest from the public, which has a dust-tight top extending over the entire freezer, and which is protected by a fan so installed and of such power as to prevent the entrance of flies. Containers of frozen desserts ingredients shall not be unloaded directly into the room or rooms used for pasteurization or subsequent processes. Pasteurized mix or frozen desserts shall not be permitted to come in contact with equipment with which pasteurized mix, frozen desserts, milk or milk products have been in contact, or with which mix or frozen desserts from a lower grade plant have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. None of the operations connected with a frozen desserts plant shall be conducted in a room used for domestic purposes.

Item 6p. Toilet facilities.

There shall be provided toilet facilities conforming with the ordinances of the city and which are kept clean, well ventilated and in good repair. Toilet rooms shall not open directly into any room in which frozen desserts, their ingredients, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing.

Item 7p. Water supply.

The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.

Item 8p. Hand-washing facilities.

Convenient hand-washing facilities shall be provided, including warm running water, soap and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

Item 9p. Sanitary piping.

All piping used to conduct ingredients, mix or frozen desserts shall be "sanitary milk piping" of a type which can be easily cleaned with a brush.

Item 10p. Construction and repair of containers and equipment.

All multiuse containers and equipment with which mix. frozen desserts, or their ingredients come in contact shall be constructed in such manner as to be easily cleaned and shall be kept in good repair.

Item 11p. Disposal of wastes.

All wastes shall be properly disposed of.

Item 12p. Cleaning and bactericidal treatment of containers and equipment.

All multiservice containers and equipment for mix, frozen desserts or their ingredients shall be thoroughly cleaned after each usage. All containers shall be subjected to an approved bactericidal process after each cleaning, and all equipment immediately before each usage. When empty and before being returned by a frozen desserts plant, each milk and milk products container shall be effectively cleaned and subjected to bactericidal treatment.

Item 13p. Storage of containers.

After bactericidal treatment all multiuse containers for mix, frozen desserts and their ingredients shall be stored in such manner as to be protected from contamination.

Item 14p. Handling of containers and equipment.

Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such manner as to permit contamination of the frozen desserts, mix or their ingredients.

Item 15p. Storage and handling of single-service containers and utensils.

Caps, parchment papers, wrappers, can liners, single-service sticks, spoons and containers for frozen desserts, mix or their ingredients shall be purchased only in sanitary containers, shall be kept therein in a clean, dry place and shall be handled in a sanitary manner.

Item 16p. Pasteurization of mix.

All mix shall be pasteurized as described in section 10-72 (d) of this article.

Item 17p. Cooling and handling.

All milk and fluid milk products received at the frozen desserts plants for use in frozen desserts or mix shall immediately be cooled in approved equipment to fifty (50) degrees Fahrenheit or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within two (2) hours after receipt and all pasteurized mix shall immediately be cooled in approved equipment to an average temperature of fifty (50) degrees Fahrenheit or less, as defined in section 10-72(k) of this article and maintained thereat until frozen.

All mix which is not frozen at that plant at which it was pasteurized shall be transported to the place of manufacturing or freezing in sealed properly labeled containers and the mix shall be handled in a sanitary manner. Dipping from containers of pasteurized mix is prohibited.

Item 18p. Packaging, etc.

Packaging, cutting, molding, dipping, freezing, hardening and other preparation of mix, frozen desserts or their ingredients shall be done in an approved manner. Containers shall be adequately covered immediately after filling. Caps or covers shall be handled in such manner as to prevent contamination of the packaged contents.

Item 19p. Overflow or spillage.

Product drip or overflow or spilled mix or frozen desserts or their ingredients, shall not be sold for human consumption.

Item 20p. Returns.

Mix or frozen desserts in broken and open containers may, after delivery, be returned to the plant for inspection, but shall not be used for making mix or frozen desserts.

Item 21p. Personnel, health.

The health officer or a physician authorized by him shall examine and take careful morbidity history of every person

employed in frozen desserts plants, whose work brings him in contact with the production, handling or storage of mix or frozen desserts, containers, or equipment. If such examination suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or other communicable diseases likely to be transmitted through frozen desserts, said health officer shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authorities for such examinations and if the results justify, such person shall be barred from such employment.

Such person shall furnish such information, submit to such physical examinations and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection including an X-ray examination taken by the city health department or other source approved by the superintendent of health.

Item 22p. Personnel, cleanliness.

All persons, coming in contact with mix, frozen desserts, their ingredients, containers or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

Item 23p. Miscellaneous.

All vehicles used for the transportation of mix, frozen desserts or their ingredients shall be so constructed and operated as to protect their contents from the sun and from contamination. Such vehicles shall be kept clean and no substance capable of contaminating mix, frozen desserts or their ingredients shall be transported therein as to permit contamination. All vehicles used for distribution of mix or frozen desserts shall have the name of the distributor prominently displayed thereon.

The immediate surroundings of all frozen desserts plants shall be kept in a neat, clean condition.

Item 24p. Bacterial plate count of pasteurized mix or frozen desserts.

The average bacterial plate count of the pasteurized mix or the frozen desserts shall at no time prior to delivery exceed 50,000 per gram as determined under sections 10-72(k) and 10-81 of this article.

Item 25p. Ingredients.

All mix and frozen desserts ingredients shall be clean, have a fresh wholesome flavor and odor and a normal appearance, be of satisfactory quality and shall be handled or processed in an approved manner.

Milk and milk products used as ingredients in the raw state shall have an average bacterial plate count not exceeding 400,000 per cubic centimeter or per gram; and milk and milk products used as ingredients in the pasteurized, condensed, evaporated or dried state shall have an average bacterial plate count not exceeding 50,000 per cubic centimeter or per gram; provided, that these limits shall be doubled in the case of cream.

(B) GRADE B FROZEN DESSERTS PLANTS.

Grade B frozen desserts plants are those which conform with all of the requirements for grade A plants, except as follows:

(1) In item 1p floors may be of tight wood or linoleum surfacing instead of concrete, tile, etc., if they are smooth and kept clean; and floor drains are not required.
(2) In item 2p the requirements relative to the surfaces of walls and ceilings shall be waived if they are kept clean.
(3) In item 4p ventilation requirement and the requirement relative to the even distribution of light shall be waived.
(4) In item 24p the average bacterial plate count of the pasteurized mix or the frozen desserts shall at no time prior to delivery exceed 100,000 per gram.
(5) In item 25p milk and milk products used as ingredients in the raw state shall have an average bacterial plate count not exceeding 500,000 per cubic

centimeter or per gram; and milk and milk products used as ingredients in the pasteurized, condensed, evaporated or dried state shall have an average bacterial plate count not exceeding 250,000 per cubic centimeter or per gram; provided, that these limits shall be doubled in the case of cream. (Ch. 14, § 25, added by Ord. 1950, ch. 358, § 7)

Sec. 10-83. Only products of grade A or B plants to be sold.

No mix or frozen desserts shall be sold for ultimate consumption within the city unless it has been manufactured and frozen in a plant conforming with the grade A or grade B requirements of this article. (Ch. 14, § 26, added by Ord. 1950, ch. 358, § 8)

Sec. 10-84. Sale of adulterated or misbranded frozen desserts or mix prohibited.

No person shall within the city manufacture, freeze, sell, offer or expose for sale or have in possession with intent to sell, any mix or frozen dessert which is adulterated or misbranded or which has not been pasteurized in accordance with the definition in section 10-72(d) of this article. (Ch. 14, § 17, added by Ord. 1950, ch. 358, § 2)

Sec. 10-85. Article not construed to prohibit ice-cream wagons.

This article shall not be construed to prohibit the sale of frozen desserts in unpackaged form, including cones and boxes of frozen desserts filled by scoops, by a person possessing a permit to operate an ice-cream wagon. (Ch. 14, § 21.1, added by Ord. 1951, ch. 472, § 1)

Sec. 10-86. Suspension and reissuing of permit; supplementary regrading.

(a) If at any time between the regular announcements of the grades of frozen desserts plants, a lower grade or a suspension of the permit shall become justified in any case,

the health officer shall, subject to the provisions of sections 10-74 to 10-82, inclusive, of this article, immediately lower the grade or suspend the permit of said frozen desserts plant.

(b) Any frozen desserts plant the grade of which has been lowered or the permit of which has been suspended by the health officer may at any time make application for regrading or the reissuing of the permit.

(c) Upon receipt of a satisfactory application, in case the lowered grade or the suspension of permit is the result of an unsatisfactory bacterial condition or cooling temperature, the health officer shall take further samples at the rate of not more than two (2) samples per week. The health officer shall regrade the applicant upward or reissue the permit whenever the average of the last four (4) sample results indicates the necessary compliance.

(d) In case the lowered grade or the suspension of permit is due to the violation of any item or items of the specifications prescribed in section 10-82 other than bacterial condition or cooling temperature, the said application must be accompanied by a statement, signed by the applicant, to the effect that the violated item or items of the specifications have been conformed with. Within one week of the receipt of such an application and statement the health officer shall make a reinspection and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements and in case the findings indicate compliance, shall award the higher grade or reissue the permit. (Ch. 14, § 27, added by Ord. 1950, ch. 358, § 9)

Sec. 10-87. Mix and frozen desserts from beyond limits of routine inspection.

Mix and frozen desserts from points beyond the limits of routine inspection of the city may not be sold in the city unless manufactured or controlled under provisions equivalent to the requirements of this article. (Ch. 14, § 28, added by Ord. 1950, ch. 358, § 10)

Sec. 10-88. Future frozen desserts plants.

All frozen desserts plants from which mix or frozen desserts are supplied to the city, which are hereafter constructed, reconstructed or extensively altered, shall conform in their construction to the grade A requirements of this article. Properly prepared plans for all frozen desserts plants which are hereafter constructed, reconstructed, or extensively altered shall be submitted for approval before work is begun and signed approval shall be obtained from the health officer. (Ch. 14, § 29, added by Ord. 1950, ch. 358, § 11)

Sec. 10-89. Notification of disease.

Notice shall be sent to the health officer immediately by any frozen desserts manufacturer or distributor among whose employees any infectious, contagious or communicable disease occurs. (Ch. 14, § 30, added by Ord. 1950, ch. 358, § 12)

Sec. 10-90. Procedure when infection suspected.

When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of mix, frozen desserts or their ingredients, the health officer is authorized to require any or all of the following measures:

(a) The immediate exclusion of that person from handling mix, frozen desserts or their ingredients;

(b) The immediate exclusion of the supply concerned from distribution and use;

(c) Adequate medical and bacteriological examination of the person or his fellow workers and of his and their body discharges. (Ch. 14, § 31, added by Ord. 1950, ch. 358, § 13)

Sec. 10-91. Rules, regulations to enforce article.

The health officer is hereby authorized to make such new and additional rules and regulations as he may deem necessary to more effectively enforce the provisions and intent of this article, and such rules and regulations shall have the

same force and effect as the provisions of this article until changed by the city council by ordinance duly enacted. (Ord. 1950, ch. 358, § 3; Ord. 1962, ch. 1516, § 1)

Sec. 10-92. Copies of regulations for licensees.

(a) Licensees shall receive a copy of this article and all rules and regulations supplementary thereto at the time of receiving their licenses for the first time, and thereafter they shall receive copies on request.

(b) Upon promulgation of a new rule or regulation by the health officer in accordance with the provisions hereof a copy thereof shall be mailed to each licensee at the address set forth in his application for a permit, and the health officer shall publish the same in the same manner as is now required for the publication of ordinances. (Ord. 1950, ch. 358, § 3; Ord. 1962, ch. 1516, § 1)

Sec. 10-93. Penalties for violation of article.

Any person who shall violate any of the provisions of this article or any rules or regulation of the health officer made in accordance with the provisions hereof shall be guilty of an offense and shall be punished in accordance with section 1-10 of this Code of Ordinances. (Ord. 1950, ch. 358, § 3; Ord. 1962, ch. 1516, § 1)

Secs. 10-94—10-103. Reserved.

Article V. Slaughtering Poultry*

Sec. 10-104. Floors of premises.

The floor of every place where poultry is slaughtered or plucked must be of cement or some other material impervious to water. Wooden floors shall not be used. (Rules of Bd. of Ald., ch. 8, r. 1; Rev. Ords. 1946, ch. 14, § 9)

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*Charter references—Superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15; bureau of licenses, § 5.35 et seq.
Cross reference—Keeping of fowl, § 4-4.
State law reference—Sanitary inspection, § 21-27-1—21-27-9, Gen. Laws 1956.

Sec. 10-105. Walls of premises.

The walls of every room or apartment where poultry is slaughtered or plucked shall be constructed of cement or covered with metal or some other substance satisfactory to the superintendent of health, to a height of five (5) feet from the floor. (Rules of Bd. of Ald., ch. 8, r. 2; Rev. Ords. 1946, ch. 14, § 10)

Sec. 10-106. Supply of running water.

Every place where poultry is slaughtered or plucked must have an ample supply of running water. (Rules of Bd. of Ald., ch. 8, r. 3; Rev. Ords. 1946, ch. 14, § 11)

Cross reference—Water and sewer services, § 25-1 et seq.

Sec. 10-107. Use of cans or troughs.

The slaughtering of poultry shall be done over cones, metal cans or troughs made of or lined with metal, and, if required by the superintendent of health, covered on the outside with metal. (Rules of Bd. of Ald., ch. 8, r. 4; Rev. Ords. 1946, ch. 14, § 12)

Sec. 10-108. Plucking or removing of feathers.

Plucking or removal of feathers shall be done over troughs, bins or cans made of or lined with metal, and, if required by the superintendent of health, covered on the outside with metal. (Rules of Bd. of Ald., ch. 8, r. 5; Rev. Ords. 1946, ch. 14, § 13)

Sec. 10-109. Cleaning rooms.

Every room or apartment where poultry is slaughtered or plucked shall be thoroughly cleaned to the satisfaction of the superintendent of health at least at the close of every day during which slaughtering or plucking is done. Such cleaning shall include the removal of all feathers, blood, manure and other refuse from the room or apartment and a thorough cleaning of all walls, floors and apparatus used in killing and plucking. (Rules of Bd. of Ald., ch. 8, r. 6; Rev. Ords. 1946, ch. 14, § 14)

Sec. 10-110. Provisions inapplicable to slaughtering for family use.

The provisions of this article inclusive shall not apply to any person who slaughters or plucks poultry exclusively for his own or his family's use or to the premises where such slaughtering or plucking is done. (Rules of Bd. of Ald., ch. 8, r. 7; Rev. Ords. 1946, ch. 14, § 15)

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Chapter 11

HARBOR AND PORT*

Sec. 11-1. Harbor lines on west side of river from Dorrance Street wharf to Sassafras Point.
Sec. 11-2. Authority of harbor master as to anchorage station, management and control of vessels.
Sec. 11-3. Records of arrivals and departures to be kept.
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Sec. 11-5. Moving vessels not properly anchored.
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Sec. 11-15. Office and office hours of harbor master.
Sec. 11-16. Quarterly reports of harbor master.
Sec. 11-17. Uniform of harbor master.
Sec. 11-18. Port agent; appointment, powers and general duties.
Sec. 11-19. Port agent to solicit business for port.
Sec. 11-20. Violations and penalties.

Sec. 11-1. Harbor lines on west side of river from Dorrance Street wharf to Sassafras Point.

The harbor line on the west side of the river, from Dorrance Street wharf to Sassafras Point, is hereby established as follows:

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*Charter reference—Powers of city, § 2.1 et seq.

Cross references—Obstructing streets leading to, adjoining harbor or river, § 23-3; bridges, § 23-154 et seq.; operation of vessels under, through bridges, § 23-160 et seq.

State law references—Treatment of shipping and navigation under state law, chapters 46-1—46-11, Gen. Laws 1956; according to § 46-10-1, commissioner of wrecks and shipwrecked goods shall be appointed annually by council, but no such ordinance has been enacted; shore development, ch. 46-3, Gen. Laws 1956; harbors, harbor lines, ch. 46-4, Gen. Laws 1956; construction of port facilities, ch. 46-5, Gen. Laws 1956; obstructions to navigation, ch. 46-6, Gen. Laws 1956.

Special act relative to harbor and public waters of Town of Providence, see Digest of 1822, as amended by Act of Jan. 21, 1837, Act of Oct. 27, 1841, Act of May 9, 1845, and Act of May 4, 1888; special act establishing harbor line on westerly side of Providence River south of Fields Point and authorizing city to take riparian rights, P.L. 1940, c. 839; special act establishing harbor line between Fox Point and railroad bridge at India Point, P.L. 1865, c. 557, as amended by P.L. 1928, c.

Beginning at the southeast corner of Dorrance Street wharf, and running south, thirty-five degrees east, six thousand six hundred and fifty-five feet, to a point one hundred and sixty feet west of the center of the first dolphin north of Sassafras Point; thence turning and running in a direction south, about fifty-one and one-fourth degrees east, eighteen hundred and forty feet, to the edge of the channel near Sassafras Point, and passing one hundred and twenty-five feet west of the center of the dolphin at Sassafras Point; the position of these dolphins and of Dorrance Street wharf being determined by Rosecrans' harbor chart in the city clerk's office. (Ord. 1914, ch. 26, § 1; Rev. Ords. 1946, ch. 16, § 18)

Sec. 11-2. Authority of harbor master as to anchorage station, management and control of vessels.

The harbor master shall have full power and authority to prescribe regulations and give directions regarding the anchorage station, management and control of all vessels within the harbor of Providence. (Ord. 1914, ch. 27, § 1; Rev. Ords. 1946, ch. 16, § 1)

State law references—Authority of council to appoint harbor master and prescribing territorial extent of his powers and duties, § 46-4-2, Gen. Laws 1956; duty of harbor master to give notice of wrecks, § 46-6-15, Gen. Laws 1956; special act authorizing council to pass ordinances relative to harbor master, Act of March 11, 1859; special act relative to jurisdiction of harbor master, P.L. 1923, c. 1121.

Sec. 11-3. Records of arrivals and departures to be kept.

The harbor master shall keep an accurate daily record in a suitable book of the arrival and departure of vessels at the port of Providence, specifying the ports from which vessels arrive as well as the ports for which vessels sailing from this port are bound, and, so far as possible, a record of the principal items of merchandise comprising the

1241; special act establishing harbor lines on easterly side of river from Crawford Street Bridge to Fox Point, P.L. 1879, c. 758, as amended by P.L. 1928, c. 1241; other special acts authorizing establishment of harbor lines, Acts of March 3, 1855; P.L. 1885, c. 476; P.L. 1890, c. 914; P.L. 1892, c. 1096; P.L. 1896, c. 424.

cargoes of such vessels. This record of the arrival and departure of vessels shall be open to public inspection. (Ord. 1914, ch. 27, § 13; Rev. Ords. 1946, ch. 16, § 15)

Sec. 11-4. Anchoring according to direction of harbor master.

Every vessel entering the city harbor shall be anchored by the master or person in command thereof, according to the directions of the harbor master. (Ord. 1914, ch. 27, § 2; Rev. Ords. 1946, ch. 16, § 2)

Sec. 11-5. Moving vessels not properly anchored.

All vessels not anchored according to the directions of the harbor master shall be forthwith moved by their crews under his direction. If any such vessel not have sufficient crew to move the same, such vessel shall be moved by the harbor master, and the expense thereof shall be paid by the owner or master of said vessel, and may be recovered by the harbor master of such owner or master by an action, in the name of the city, before any court of competent jurisdiction. (Ord. 1914, ch. 27, § 3; Rev. Ords. 1946, ch. 16, § 3)

Sec. 11-6. Removal of vessels not receiving or discharging cargoes; extending accommodations.

The harbor master may remove, from time to time, any vessel not employed in receiving or discharging cargo, to make room for others requiring to be accommodated, and shall be the sole judge of the fact of any vessel's being fairly and legitimately engaged in receiving or discharging the cargo. He may also determine the extent, time and manner of accommodation respecting the stations of vessels, which should be extended by the owners or masters thereof to each other, and to require such accommodation to be extended. (Ord. 1914, ch. 27, § 7; Rev. Ords. 1946, ch. 16, § 7)

Sec. 11-7. Harbor master to have control and management of city ships, public landings.

The harbor master shall have the care, control and management of the city ships and of any public landings or floats maintained by the city. (Ord. 1914, ch. 27, § 13; Rev. Ords. 1946, ch. 16, § 13)

Sec. 11-8. Anchoring vessels drawing more than twenty feet.

Every vessel drawing more than twenty feet of water, and approaching the harbor at any time other than high tide shall anchor below "The Crook" (so-called) until the tide shall warrant a free passage. (Ord. 1914, ch. 27, § 9; Rev. Ords. 1946, ch. 16, § 9)

Sec. 11-9. Vessels at wharf more than three deep.

Vessels shall not in any case be placed alongside of any wharf in said harbor more than three deep, without permission of the harbor master. (Ord. 1914, ch. 27, § 5; Rev. Ords. 1946, ch. 16, § 5)

Sec. 11-10. Making fast square-rigged vessels.

The master, owners or persons in charge of any square-rigged vessel shall, as soon as may be after such vessel is made fast to any wharf or other vessel, cause the lower yards to be cockbilled, and the topsail yards to be braced fore and aft; and the jib boom of any vessel shall be rigged in, whenever so directed by the harbor master. (Ord. 1914, ch. 27, § 6; Rev. Ords. 1946, ch. 16, § 6)

Sec. 11-11. Unloading lumber.

The master, person in command or consignee of every vessel intending to unload lumber in the stream shall first obtain from the harbor master a permit designating the locality where such lumber may be rafted, but no vessel shall obstruct the channel in so doing. (Ord. 1914, ch. 27, § 8; Rev. Ords. 1946, ch. 16, § 8)

Sec. 11-12. Use of launch by police, fire departments.

The police and fire departments may use the city launch at night, when not required for use by the harbor master in the performance of his duties, for the purpose of patrol of the harbor and other public waters within the city, and may employ a night engineer on said launch, the expense thereof and any other expenses of running said launch at night for

paid purpose to be paid from the appropriation for said departments. (Ord. 1914, ch. 27, § 14; Rev. Ords. 1946, ch. 16, § 17)

Sec. 11-13. Speed of ships between Sassafras Point and Crawford Street Bridge.

No ship shall proceed at a greater speed than five (5) miles an hour, between Sassafras Point and Crawford Street Bridge, in entering or leaving or moving within the harbor. (Ord. 1914, ch. 27, § 10; Rev. Ords. 1946, ch. 16, § 10)

Sec. 11-14. Channel not to be obstructed by warp or line.

No warp or line shall be passed across the channel so as to obstruct vessels passing along the same. (Ord. 1914, ch. 27, § 4; Rev. Ords. 1946, ch. 16, § 4)

Sec. 11-15. Office and office hours of harbor master.

The harbor master shall attend daily at an office to be provided by the city and shall have regular office hours. (Ord. 1914, ch. 27, § 13; Rev. Ords. 1946, ch. 16, § 14)

Sec. 11-16. Quarterly reports of harbor master.

The harbor master shall make a quarterly report to the city council including therein the total statistics of the commerce of the port of Providence shown by his daily record book and such other information as he shall deem advisable. (Ord. 1914, ch. 27, § 13; Rev. Ords. 1946, ch. 16, § 16)

Sec. 11-17. Uniform of harbor master.

The harbor master shall at his own expense, provide himself with a uniform consisting of a dark blue double-breasted sack coat, with brass buttons and shoulder straps with the words "harbor master" inscribed thereon, dark blue vest and dark blue trousers. He shall also wear a blue cloth navy cap with the words "harbor master" inscribed thereon. This uniform shall be worn by the harbor master when on duty. (Ord. 1914, ch. 27, § 12; Rev. Ords. 1946, ch. 16, § 12)

Sec. 11-18. Port agent; appointment, powers and general duties.

The director of public works as soon as may be after his appointment and qualification shall appoint, subject to the approval of the mayor, a port agent. Such port agent, subject to the control of the director of public works, shall have full and complete charge, direction, supervision, management, care and control of the municipal wharf or terminal. Subject to such civil service provisions as may be enacted by ordinance, the port agent shall, subject to the approval of the director of public works, have the appointment and removal of all deputies, clerks, assistants, and other subordinates serving under his direction. (Ord. 1941, ch. 1050, § 1; Rev. Ords. 1946, ch. 16, § 19)

Sec. 11-19. Port agent to solicit business for port.

In addition to his other duties it shall be the duty of the port agent to seek out, solicit, and interest ship officials, manufacturers, shippers and others, who have occasion to use transportation, in the facilities and advantages of the port of Providence. (Ord. 1941, ch. 1050, § 2; Rev. Ords. 1946, ch. 16, § 20)

Sec. 11-20. Violations and penalties.

Any master or person in charge of any vessel who shall neglect or refuse to obey the directions of the harbor master in matters within his authority to direct, or who shall violate any provision of this chapter, and every person who shall resist or oppose the harbor master in the execution of his duty, or shall violate any of the provisions of this chapter, shall be deemed guilty of an offense punishable as provided in section 1-10. (Ord. 1914, ch. 27, § 11; Rev. Ords. 1946, ch. 16, § 11)

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Chapter 12

HEALTH AND SANITATION*

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*Charter references—Powers of city, § 2.1 et seq.; superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15.

Cross references—Keeping swine, § 4-3; fowl, § 4-4; bins for removal of manure and refuse, § 4-5; burying dead animals, § 4-6; removal of dead animals, §§ 4-7, 4-8; rabies control, § 4-19 et seq.; burning at dumping grounds, § 9-8; covered receptacle required to burn refuse, rubbish and waste, § 9-10; food and food products, § 10-1 et seq.; sanitary requirements of housing code, § 13-112 et seq.; safe and sanitary maintenance requirements of housing code, § 13-182 et seq.; vaccination of pupils in public schools, § 22-10; deposits of offensive matter, § 23-20 et seq.

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Article I. In General

Sec. 12-1. Reports of superintendent of health.

The superintendent of health as city registrar shall, on or before the first day of April, annually, prepare and present to the city council a report in print, or other duplicating process, of the number of births, marriages and deaths which occurred in the city during the year ending with the thirty-first day of December next preceding, with such other information and suggestions in relation thereto, as he may deem useful for the promotion of the public health and other interests of the city. Said superintendent may print such other annual reports as he may deem advisable. (Ord. 1914, ch. 52, § 8; Rev. Ords. 1946, ch. 17, § 3)

Charter reference—Superintendent of health as city registrar, § 4.13.
State law reference—Registration of births, deaths and marriages, ch. 23-3, Gen. Laws 1956.

Sec. 12-2. Appointment of director in charge of antituberculosis work.

The superintendent of health is authorized and empowered to employ a physician as director in charge of antituberculosis work, whose appointment shall be subject to approval by the mayor, for full-time services to carry out the program of the department with respect to antituberculosis work, and to perform such other duties as the superintendent of health may prescribe. (Ord. 1941, ch. 1072, § 1; Rev. Ords. 1946, ch. 17, § 1)

Sec. 12-3. Appointment of supervisor of mosquito control.

The superintendent of health is hereby authorized and directed to appoint and employ a supervisor of mosquito control who shall be charged with the performance of the operations and activities necessary and helpful to the eradication of mosquitoes and the elimination of the dangers therefrom. It shall be the duty of the said supervisor to act under the direction of the superintendent of health, or such deputy as said superintendent may designate, in the discharge of his duties, and to make a report thereof to said superintendent of health as often as required by said superintendent. (Ord. 1943, ch. 1188, § 1; Rev. Ords. 1946, ch. 17, § 2)

State law reference—Suppression or extermination of mosquitoes, § 30-4-5, Gen. Laws 1956.

Sec. 12-4. Powers of board of hospital commissioners.

The board of hospital commissioners shall have all the rights and powers and shall be subject to all the duties and limitations specified in Public Laws 1909, c. 467, as amended by Public Laws 1932, c. 1968 and Public Laws 1935, c. 2226, and shall have such further powers and duties, not inconsistent with said acts, as may from time to time be prescribed by said city council. (Ord. 1914, ch. 8, § 2; Rev. Ords. 1946, ch. 17, § 4)

Charter reference—Board of hospital commissioners, §§ 5.66, 5.67.

State law references—Special act authorizing city to make gift to Providence Lying-in Hospital, P.L. 1942, c. 1172; special act exempting Hope Hospital from taxation, P.L. 1933, c. 2054.

Sec. 12-5. Maintenance of free clinics.

The board of hospital commissioners is hereby authorized to establish and maintain clinics or dispensaries for outpatients in such parts of the city as said board may determine. (Ord. 1916, ch. 127, § 1; Rev. Ords. 1946, ch. 17, § 5)

Sec. 12-6. Charges for hospital treatment.

The board of hospital commissioners is authorized to charge and collect reasonable prices for maintenance, care and treatment, in any hospital, clinic or dispensary of the city under the care and management of said board. The

charge may be made against patients, who are able to pay for such maintenance, care and treatment or it may be made against those responsible for the maintenance of such patients. (Ord. 1916, ch. 127, § 2; Rev. Ords. 1946, ch. 17, § 6)

State law references—Special act relating to admission of nonresident patients to Charles V. Chapin Hospital, P.L. 1944, ch. 1504; special acts as to admission and treatment at psychopathic ward of city, P.L. 1929, ch. 1447.

Sec. 12-7. Receiving nonresidents as patients.

The board of hospital commissioners is authorized to receive in any hospital, clinic or dispensary of the city as pay patients persons not residents of the city, when without excluding residents of the city, there is sufficient accommodation therefor. (Ord. 1916, ch. 127, § 2; Rev. Ords. 1946, ch. 17, § 7)

Sec. 12-8. Establishment of hospital quiet zones.

There is hereby created and established a zone of quiet in all territory within three hundred (300) feet of every hospital regularly maintaining beds for fifteen (15) or more patients in the city. (Ord. 1916, ch. 141, § 1; Rev. Ords. 1946, ch. 17, § 8)

Sec. 12-9. Designation of hospital quiet zones.

The director of public works shall place and maintain at such conspicuous places as he shall determine within or immediately adjacent to hospital quiet zones a sign displaying the words: "Notice. Hospital, Quiet Zone." (Ord. 1916, ch. 141, § 2; Rev. Ords. 1946, ch. 17, § 9)

Sec. 12-10. Unnecessary noise prohibited in hospital quiet zone.

No person shall make, cause to be made, or permit to be made by any person, animal or object under his control or authority any unnecessary noise within any hospital quiet zone. (Ord. 1916, ch. 141, § 3; Rev. Ords. 1946, ch. 17, § 10)

Cross reference—Noise generally, §§ 16-10—16-12.

Sec. 12-11. Sanitation rules for public lodginghouses.

The superintendent of health shall make sanitary rules and regulations in accordance with state law in regard to public lodginghouses in the city. (Rev. Ords. 1946, ch. 17, § 14)

Cross references—Sanitation requirements of housing code, § 13-112 et seq.; housing code requirements pertaining to rooming houses, § 13-222 et seq.

State law reference—Act to regulate public lodginghouses in city, see P.L. 1902, c. 1014.

Sec. 12-12. Wholesome water to be provided.

The owner, lessee or agent of any dwelling house, lodginghouse, tenement house, factory, shop, store, hall or public building, shall provide an adequate supply of wholesome drinking water therein, which shall, at all times, be available for the use of the persons therein. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 17, § 12)

Cross reference—Water and sewers generally, § 25-1 et seq.

State law reference—Law of state as to fresh drinking water in factories, §§ 28-21-6, 28-21-12, Gen. Laws 1956.

Sec. 12-13. Filling unwholesome wells.

Whenever, in the opinion of the superintendent of health, the water in any well or cistern is unwholesome, he shall order the owner of such well or cistern to fill the same with ashes, sand or gravel and such owner shall, within ten (10) days after receipt of such order, fill the same in manner aforesaid. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 17, § 13)

Sec. 12-14. Separate toilets to be provided.

The owner of any dwelling house, tenement house or apartment house, shall provide separate and easily accessible proper toilet facilities within each tenement or apartment. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 17, § 11)

Sec. 12-15. Keeping disposal facilities in repair.

The owner, lessee or agent of any land or building shall keep in such repair and sanitary condition as is satisfactory to the superintendent of health every water closet, urinal,

privy, privy vault, cesspool, drain, waste pipe, soil pipe, and catch basin, situated on or in such land or building. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 28, § 12)

Sec. 12-16. Deposits in water closets, privies, cesspools, etc.

No person shall deposit, nor allow to be deposited, in any water closet, cesspool, privy vault, drain, waste pipe, or soil pipe, any ashes, swill, rubbish, or solid refuse matter other than fecal matter. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 28, § 8)

Sec. 12-17. Removal of poisonous weeds, ivy.

The owner or occupant of any land upon which there is any poisonous ivy, any Jamestown or jimsonweed, or other poisonous or dangerous weed, shall cause such ivy or weed to be removed within five (5) days after receiving notice so to do from the superintendent of health. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 15, § 17)

Secs. 12-18—12-27. Reserved.

Article II. Relief of the Poor*

Sec. 12-28. Annual, monthly reports of director of public welfare to city council.

(a) The director of public welfare shall make an annual report to the city council on the first Monday in February, for the next preceding calendar year giving the number of persons assisted by him under the provisions of sections 12-29 and 12-30, together with their nationality and the total amount furnished.

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*Charter references—Superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15.

State law references—Law of state as to support and discipline of paupers, authorizing City of Providence to prescribe its mode of relief, ch. 40-8, Gen. Laws 1956; act relating to public assistance available to any person in Rhode Island who is in need, ch. 40-9, Gen. Laws 1956; special act authorizing city to contribute to support of orphan asylums, P.L. 1914, ch. 1109.

(b) He shall also, on or before the second Thursday of each month, present to the council certified accounts of all necessary articles furnished by him to poor persons, and also of all supplies or materials furnished to, or for services rendered to, him during the preceding month, and also present to said council, at said time, a report, giving the name and residence of each person assisted by him, and the amount paid in cash orders and for articles furnished to each of said persons, and the whole amount received and expended by him for the month preceding the date of said report. (Ord. 1914, ch. 45, § 4; Rev. Ords. 1946, ch. 27, § 4)

Sec. 12-29. Temporary relief of persons residing in city.

Whenever application for relief shall be made to the director of public welfare by any person residing in the city who shall be deemed by said director not a proper person to be sent to the Dexter Asylum or the State Infirmary, said director is authorized in his discretion to furnish relief to such person either in money or other necessary articles. (Ord. 1924, ch. 393, § 1; Rev. Ords. 1946, ch. 27, § 1)

Sec. 12-30. Temporary relief to transients.

The director of public welfare may furnish temporary relief to persons transiently in the city as he shall deem to be proper recipients thereof to an amount not exceeding fifteen dollars ($15.00) in money or other necessary articles to any one person in any month. (Ord. 1924, ch. 393, § 2; Rev. Ords. 1946, ch. 27, § 2)

Sec. 12-31. Maximum amount allowable for temporary relief; receipts for expenditures.

The city controller is hereby authorized to draw upon the city treasurer from time to time, upon the requisition of and to the order of the director of public welfare, to an amount not exceeding five hundred dollars ($500.00) in any one month, as they shall deem necessary to be expended by said director of public welfare in furnishing temporary relief in money, as provided by sections 12-29 and 12-30. Receipts for money expended by the director of public welfare under

said sections shall be taken by him and deposited with the city controller. (Ord. 1939, ch. 978, § 1; Rev. Ords. 1946, ch. 27, § 5)

Sec. 12-32. Certification of accounts.

The director of public welfare shall certify to the city controller for payments thereof all accounts payable under the provisions of this article. (Ord. 1924, ch. 393, § 3; Rev. Ords. 1946, ch. 27, § 3)

Cross reference—City controller, § 2-84 et seq.

Sec. 12-33. Return to treasurer of monthly receipts.

The director of public welfare shall, on or before the seventh day of each month, make a detailed return under oath to the city treasurer of all money received by him on account of sales or otherwise in his department during the preceding month, and shall at the same time pay the same to the city treasurer. (Rules of Bd. of Ald., ch. 4, r. 3; Rev. Ords. 1946, ch. 27, § 8)

Cross reference—City treasurer, § 2-65 et seq.

Sec. 12-34. Dexter Donation—Meetings of free men of city.

A meeting of the free men of the city shall be held in the city council chamber, or any other convenient place in city hall, biennially on the fourth Thursday of October, in every even-numbered year at 2:00 o'clock p.m., eastern daylight saving time or eastern standard time, as may be in effect, for the transaction of business relating to the property and estate devised to the Town of Providence by the last will and testament of Ebenezer Knight Dexter, denominated the Dexter Donation and other city and town property connected therewith. (Ord. 1928, ch. 641, § 1; Rev. Ords. 1946, ch. 27, § 9; Ord. 1959, ch. 1307, § 1)

Cross reference—Dexter Asylum grounds designated as public pound, § 4-1.

Sec. 12-35. Same—Notice of meetings.

Notice shall be given by the city clerk of every biennial meeting as provided for in section 12-34, which shall be pub-

lished for and during one week next before said meetings, in one of the newspapers of said city. (Ord. 1914, ch. 16, § 2; Rev. Ords. 1946, ch. 27, § 10; Ord. 1959, ch. 1307, § 2)

Secs. 12-36—12-45. Reserved.

Article III. Garbage, Trash and Refuse*

Sec. 12-46. Definitions.

The following words, whenever used in this article, shall have the following meanings, unless the context clearly requires otherwise:

(a) *Household rubbish.* "Household rubbish" shall include all noncombustible refuse, incidental to the ordinary conduct of the household, including without limiting the generality of the foregoing, tin cans, tinware, bottles, glassware, earthenware, metal articles, ashes from coal, coke and other fuel and mineral substances, such as ordinarily accumulate in the maintenance of dwellings. Refuse incurred in the operation of an industrial or commercial establishment shall not be included within the meaning of this section.

*Charter references—Superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15.

Cross references—Keeping swine, § 4-3; keeping fowl, § 4-4; bins for removal of manure and refuse, § 4-5; burying dead animals, § 4-6; removal of dead animals, §§ 4-7, 4-8; rabies control, § 4-19 et seq.; storage, disposition of waste and rubbish from convalescent homes and similar establishments, § 5-21; burning at dumping grounds, § 9-8; covered receptacle to burn refuse, rubbish and waste, § 9-10; inspection of dumping grounds and places where waste, rubbish is placed, § 9-37; order to remove waste and accumulations, § 9-40 et seq.; sanitary requirements of housing code, § 13-112 et seq.; rubbish storage and disposal facilities required under housing code, § 13-119; garbage storage and disposal facilities required, § 13-120; safe and sanitary maintenance requirements of housing code, § 13-182 et seq.; duty to provide rubbish and garbage disposal facilities and storage containers, § 13-204; manner of waste disposal by occupant of dwelling or dwelling unit, § 13-205; rubbish and garbage storage and disposal requirements for rooming houses, § 13-230; throwing or sweeping dirt on sidewalks, § 23-12; deposits of offensive matter, § 23-20 et seq.

State law references—Authority of council to cause removal of filthy or unhealthy conditions, § 23-19-4, Gen. Laws 1956; removal of harmful or injurious trees or plants, § 2-15-5, Gen. Laws 1956.

(b) *Waste materials.* "Waste materials" shall be deemed to mean and include commercial refuse and garbage, combustible waste, noncombustible waste, ordinary waste, ordinary commercial waste or industrial waste.

(c) *Dwellings.* "Dwellings" shall mean a building arranged, intended or designed to be occupied by one or more families living independently of each other and doing their cooking upon the premises, or occupied by one or more individuals or groups of individuals as their home. (Ch. 15, § 25, added by Ord. 1950, ch. 350, § 2; Ord. 1963, ch. 1559, § 5)

Sec. 12-47. Authority of council to make rules for removal of refuse, swill, garbage and house offal.

The city council is hereby authorized to make rules and regulations for the removal of refuse, swill, garbage and house offal from the city. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 15, § 1)

Sec. 12-48. Scope of authority of director of public works.

The director of public works is hereby authorized and directed to license persons engaged in collecting and transporting waste materials in the city whether for profit or not; to prepare and promulgate from time to time, rules and regulations governing the collection, conveyance and disposal of waste materials; and to establish a system of rates and fees for the disposal of combustible wastes at the city incinerators and noncombustible wastes at the city dump. (Ord. 1963, ch. 1559, § 1)

Charter reference—Department of public works, § 5.23 et seq.
Cross reference—Department of public works, § 2-111 et seq.

Sec. 12-49. Director of public works to have charge of collection, disposal.

The director of public works, subject to rules of the city council, shall have full charge of the collection and disposal of garbage and combustible refuse in the city. (Ord. 1927, ch. 568, § 1; Rev. Ords. 1946, ch. 15, § 2)

Charter reference—Department of public works, § 5.23 et seq.
Cross reference—Department of public works, § 2-111 et seq.

Sec. 12-50. Director of public works to maintain and operate system of collection.

The director of public works is hereby authorized and directed to operate and maintain a system for the collection of household rubbish in the City of Providence and to prepare and promulgate from time to time, rules and regulations governing the collection of such rubbish. (Ch. 15, § 26, added by Ord. 1950, ch. 350, § 1)

Charter reference—Department of public works, § 5.23 et seq.
Cross reference—Department of public works, § 2-111 et seq.

Sec. 12-51. Director of public works to maintain, operate incinerator, similar plants.

The director of public works shall maintain and operate any incinerator or other plant used for the disposal of garbage and combustible refuse for the city and shall purchase, operate and maintain all equipment required for its collection and disposal. (Ord. 1927, ch. 568, § 1; Rev. Ords. 1946, ch. 15, § 3)

Charter reference—Department of public works, § 5.23 et seq.
Cross reference—Department of public works, § 2-111 et seq.

Sec. 12-52. Rates and charges for disposal; imposition, scope.

The director of public works shall fix and from time to time alter rates or fees for the disposal of combustible wastes at the city incinerator and noncombustible wastes at the city dump. Each license is deemed to include the privilege of disposing of waste materials at these locations upon payment of the charges fixed by the director of public works, but only in observance of and compliance with the "rules and regulations governing the collection, conveyance and disposal of waste materials" and the "rules and regulations governing the use of department of public works disposal facilities" promulgated by the director of public works, and all applicable provisions of law, federal, state and local, and the sanitary code. (Ord. 1963, ch. 1559, § 4)

Charter reference—Department of public works, § 5.23 et seq.
Cross reference—Department of public works, § 2-111 et seq.

Sec. 12-53. Appointment, function of superintendent of garbage disposal.

The director of public works shall appoint a superintendent of garbage disposal and such other assistants and employees as may be necessary for the collection and disposal of garbage and combustible refuse. (Ord. 1927, ch. 568, § 1; Rev. Ords. 1946, ch. 15, § 4)

State law reference—Special act authorizing removal of ashes and certain debris at city's expense, P.L. 1912, c. 866.

Sec. 12-54. Permit to owner to use land as dumping ground.

Whenever land is to be used as a dumping ground within the city, the owner of such ground or the agent of said owner shall first obtain a permit from the superintendent of health, which permit shall contain the rules and regulations under which said land may be used as a dumping ground. Said permit may be revoked by the superintendent of health at his pleasure and discretion. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 15, § 7)

Sec. 12-55. Permits, regulation of use of dumping grounds.

The superintendent of health is hereby authorized to issue permits to property owners and persons employed on dumps or dumping grounds. Such persons shall keep the dumps or dumping grounds under their supervision in as good order and as free from nuisance as possible, and shall have all offensive matter promptly covered with clean earth or ashes, and shall prevent all disposal of garbage or combustible materials on such dump, except under conditions and regulations as permitted by the superintendent of health. No person shall act as dump attendant without such permit. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 15, § 5)

Sec. 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 superintendent of health and within a period of not more than three (3) days shall be moved into sheds or other building 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. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 15, § 16)

Sec. 12-57. Placing rubbish, garbage, refuse on streets, public places prohibited unless in receptacles; exceptions.

No person shall throw, drop, place or cause to be placed, dropped or thrown any rubbish, garbage, construction waste or other litter upon any street, sidewalk, alley or public place, except when deposited in proper receptacles; provided however, that nothing contained in this section shall prohibit the placing of sand or salt on a street, sidewalk, alley or public place for the purpose of making the same safe for vehicular or pedestrian travel. (Ch. 15, § 27, added by Ord. 1950, ch. 350, § 3)

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

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 superintendent of health, under such regulations as may be adopted by the superintendent of health. Every owner, lessee or occupant of such land, or any person having general charge of the same, or any person hereafter placing or depositing, or causing or permitting to be placed or deposited, any such matter or substance as aforesaid, shall, if the superintendent of health shall so request in writing, remove said matter or

substance from said land within three (3) days after receiving such request. Every day in excess of three (3) that any person shall suffer or permit any such matter or substance to remain upon said land after receipt of such request from the superintendent of health shall be deemed and regarded as a separate offense under this section. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 15, § 6)

Sec. 12-59. Depositing matter taken from catch basin.

No person shall dump or deposit anywhere within the city any matter taken from a catch basin, without completely covering the same with earth or clean ashes immediately upon dumping or depositing the same and in accordance with the regulations of the superintendent of health. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 15, § 15)

Sec. 12-60. Deposits of coal, dust, soot, other matter in public places.

No person shall throw or deposit, nor cause to be thrown or deposited, in any street, highway or public place, any coal, dust, soot, ashes, cinders, shavings, paper, hair, shreds, manure, oyster, clam or lobster shells, or any animal or vegetable matter or substance whatever, or any rubbish of any kind. (Ord. 1914, ch. 30, § 31; Rev. Ords. 1946, ch. 15, § 24)

Sec. 12-61. Use of garbage receptacles.

(a) *Required.* The owner or occupant of any premises where swill or garbage shall accumulate shall provide a covered watertight receptacle on said premises for such swill or garbage and shall deposit or cause to be deposited all such swill or garbage in said receptacle.

(b) *Use.* Said swill or garbage before being so deposited shall be thoroughly drained and wrapped and tied in substantial paper. Said owner or occupant shall not locate such receptacle in any place which is not satisfactory to the superintendent of health. No person shall deposit any garbage in any place other than such a garbage receptacle as is herein prescribed, and no person shall deposit any dishwater or

liquid refuse or any ashes, bottles, broken glass or crockery, or any refuse other than garbage in any garbage receptacle. (Rules of Bd. of Ald., ch. 1, r. 23; Rev. Ords. 1946, ch. 15, § 8)

Sec. 12-62. Preparation of combustible rubbish or refuse for collection.

All wastepaper, excelsior, rags, old clothes, bedding or other combustible rubbish or refuse which will scatter if loose shall be fastened together securely by tying or otherwise, and shall be so placed on premises as to be easily collected. (Rules of Bd. of Ald., ch. 1, r. 23; Rev. Ords. 1946, ch. 15, § 8)

Sec. 12-63. Time to place waste for collection, duty to remove after collection.

No person placing or causing to be placed rubbish, garbage, construction waste or other litter in receptacles or otherwise on a street, sidewalk, alley or public place for the purpose of having the same collected at a regularly scheduled or special collection shall do so before sunset of the day prior to such scheduled collection, nor shall such person allow such matter or the receptacles thereof to remain upon such street, sidewalk, alley or public place after the end of the day of such scheduled collection. (Ord. 1950, ch. 350, § 4, added by Ord. 1962, ch. 1517, § 1)

Sec. 12-64. Frequency of removal of waste.

All swill, garbage and house offal shall be removed from each house in the city at least twice each week during the year, and at such other times as necessity may warrant. (Rules of Bd. of Ald., ch. 1, r. 25; Rev. Ords. 1946, ch. 15, § 9)

Sec. 12-65. License to transport garbage, waste—Required.

It shall be unlawful for any person to transport garbage, combustible waste, noncombustible waste, ordinary waste, ordinary commercial waste or industrial waste on or over the streets or other public ways of the city without having first obtained a license from the director of public works for each vehicle so engaged. (Ord. 1963, ch. 1559, § 2)

Sec. 12-66. Same—Issuance.

Application for a license to transport garbage, combustible waste, noncombustible waste, ordinary waste, ordinary commercial or industrial waste shall be made to the director of public works, who shall issue such license if he finds that the applicant has suitable equipment for transporting such waste and that the applicant has complied and indicated a willingness to comply with all applicable ordinances of the city and the rules and regulations of the director of public works. (Ord. 1963, ch. 1559, § 2)

Sec. 12-67. Same—Fee for license, renewal.

The annual fee for a license to transport garbage, combustible waste, noncombustible waste, ordinary waste, ordinary commercial or industrial waste, or for a renewal of such license, shall be as follows:

(a) Where the licensee is transporting waste for profit the annual fee for such license or renewal thereof shall be twenty-five dollars ($25.00) plus twenty-five dollars ($25.00) for each waste conveyance vehicle in excess of one (1) operated pursuant to such license.

(b) If the licensee is not transporting for profit the annual fee for such license, or renewal thereof, shall be ten dollars ($10.00) plus five dollars ($5.00) for each waste conveyance vehicle in excess of one (1) operated pursuant to such license. (Ord. 1963, ch. 1559, § 2)

Sec. 12-68. Same—Expiration, renewal.

Any expired license issued pursuant to section 12-66 may be renewed under the same conditions applicable to the issuance of an original license. A license or renewal thereof shall expire on September 30th next following its issuance. (Ord. 1963, ch. 1559, § 2)

Sec. 12-69. Same—Revocation.

Any license or renewal thereof issued pursuant to section 12-66 or 12-68 may be revoked forthwith by the director of

public works upon failure of the license holder to comply with all applicable ordinances of the city and the rules and regulations of the director of public works. (Ord. 1963, ch. 1559, § 2)

Sec. 12-70. Same—Transport to comply with rules and regulations of director of public works.

It shall be unlawful for any person operating under a license to transport waste material, on or over the streets or other public ways of the city unless such waste materials are transported in vehicles conforming to the requirements set forth in the "Rules and Regulations Governing the Collection, Conveyance and Disposal of Waste Materials", promulgated by the director of public works. (Ord. 1963, ch. 1559, § 3)

Sec. 12-71. License for removal of swill, offal required.

No person, unless appointed and licensed so to do by the city council shall remove, carry or transport any swill or house offal from any house, market, building or premises, over, upon or through any street or highway in the city. (Rules of Bd. of Ald., ch. 1, r. 24; Rev. Ords. 1946, ch. 15, § 10)

Sec. 12-72. Restrictions upon appointments, licenses to remove swill, offal.

Whenever any person shall be appointed and licensed to remove swill and house offal from the city, the designation and appointment shall state definitely the houses, buildings or districts from which such person so designated is to remove the swill and house offal. No person shall remove the swill and house offal from any other house, building or district than that from which he is appointed and licensed to remove it. (Rules of Bd. of Ald., ch. 1, r. 28; Rev. Ords. 1946, ch. 15, § 13)

Sec. 12-73. Duration of appointment, license to remove swill, offal.

Any appointment and license to remove swill and house offal shall be for the current year ending on the first Monday of April next ensuing the date of the appointment, and shall expire on said first Monday of April, and may be revoked at any time by the city council. (Rules of Bd. of Ald., ch. 1, r. 29; Rev. Ords. 1946, ch. 15, § 14)

Sec. 12-74. Manner of removal of swill, offal; examination of receptacles.

All swill and house offal shall be removed in or from the city in watertight closely covered vehicles or in watertight tubs, casks or cans with covers securely fastened, in order to make the tubs, casks or cans airtight; and all such vehicles, tubs, casks or cans so used, shall be kept clean and well painted on the outside. No vehicle, tub, cask or can shall be used for the removal of swill or house offal in or from the city, unless first examined and approved by the superintendent of health, and the covers of all such vehicles, tubs, casks and cans containing swill or house offal shall be kept tightly closed when they are being driven or carried through the streets of the city. (Rules of Bd. of Ald., ch. 1, r. 26; Rev. Ords. 1946, ch. 15, § 11)

Sec. 12-75. Marking vehicles for removal of swill, offal.

All vehicles used to remove swill and house offal, or to transport tubs, casks or cans containing swill or house offal, shall have upon them such marks as may be required by the superintendent of health. (Rules of Bd. of Ald., ch. 1, r. 27; Rev. Ords. 1946, ch. 15, § 12)

Sec. 12-76. Transport of bones, grease and fats.

No person shall carry or convey, nor cause to be carried or conveyed, in any street or park, any bones, grease, animal or soap fats, unless in covered cans, tubs or receptacles properly marked. (Ord. 1914, ch. 30, § 8; Rev. Ords. 1946, ch. 15, § 21)

Sec. 12-77. Transport of wastepaper.

No person shall carry or convey through or in any street any wastepaper not so covered or protected as to prevent the escape of said paper into any street, and no person while loading or unloading a vehicle shall scatter or permit any wastepaper to be scattered in any street or highway, or where such wastepaper shall be blown onto any street or highway. (Ord. 1914, ch. 30, § 7; Rev. Ords. 1946, ch. 15, § 22)

Sec. 12-78. Transport of ashes, coal, sand and rubbish.

No person shall carry or convey, nor cause to be carried or conveyed in any street, highway, square or park, any ashes, bituminous coal, sand or rubbish unless the receptacle or vehicle containing such ashes, bituminous coal, sand or rubbish shall be closely covered. (Ord. 1914, ch. 30, § 9; Rev. Ords. 1946, ch. 15, § 23; Ord. 1947, ch. 1619, § 1)

Sec. 12-79. Violations and penalties.

Any person found guilty of violating the provisions of this article, or the rules and regulations of the director of public works or the superintendent of health, as the case may be, promulgated hereunder, shall be punished as provided in section 1-10 of this Code of Ordinances. (Ch. 15, § 28, added by Ord. 1950, ch. 350, § 4; Ord. 1963, ch. 1559, § 6)

Secs. 12-80—12-89. Reserved.

Article IV. Privies and Cesspools*

Sec. 12-90. Duty when sewer connection not available.

The owner of any dwelling house, unless such dwelling house is connected with a public sewer, shall provide, either

*Charter references—Superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15.

Cross references—Sanitary requirements of housing code, § 13-112 et seq.; safe and sanitary maintenance requirements of housing code, § 13-182 et seq.; water and sewers, § 25-1 et seq.

State law reference—Authority to regulate cesspools and privies, §§ 23-19-1—23-19-3, Gen. Laws 1956.

within or adjacent to such house, at least one suitable water closet or privy, properly ventilated and communicating directly with the open air and discharging into a cesspool or privy vault of such location and construction as shall be satisfactory to the superintendent of health. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 28, § 1)

Sec. 12-91. License for removal of contents; removal by owner on permit.

No person shall engage in the business of removing the contents of privy vaults and cesspools, or shall remove the contents of privy vaults or cesspools, without first obtaining a license from the city council; but nothing in this section shall be construed as forbidding the owner of a privy vault or cesspool from removing the contents therefrom, provided a permit be first obtained from the superintendent of health. (Rules of Bd. of Ald., ch. 1, r. 50; Rev. Ords. 1946, ch. 28, § 2)

Sec. 12-92. Duration of license to remove contents.

Any license to remove the contents of privy vaults and cesspools shall be for the current year, ending on the first Monday of April next ensuing the date of the license, shall expire on said first Monday of April, and may be revoked at any time by the city council. (Rules of Bd. of Ald., ch. 1, r. 51; Rev. Ords. 1946, ch. 28, § 3)

Sec. 12-93. Fee for license to remove contents.

The sum of one dollar ($1.00) shall be the annual charge for each license granted by the city council for the removal of the contents of cesspools and privy vaults. (Rules of Bd. of Ald., ch. 2, r. 23; Rev. Ords. 1946, ch. 28, § 4)

Sec. 12-94. Apparatus used to remove contents.

All tanks, tank wagons, tubs or barrels must be kept airtight and free from leakage; and all apparatus used in the business must be kept clean and well painted, must have the

name of the licensee upon it in plain letters, and must be approved by the superintendent of health. No wagons, tanks, tubs or other apparatus shall be allowed to stand in the street except while in use. (Rules of Bd. of Ald., ch. 1, r. 53; Rev. Ords. 1946, ch. 28, § 5)

Sec. 12-95. Hours of cleaning.

No privy vault or cesspool shall be cleaned between the hours of sunset and sunrise, except as directed by the superintendent of health. (Rules of Bd. of Ald., ch. 1, r. 54; Rev. Ords. 1946, ch. 28, § 6)

Sec. 12-96. Entire contents to be removed.

When any privy vault or any cesspool is cleaned, the entire contents thereof shall be removed. (Rules of Bd. of Ald., ch. 1, r. 55; Rev. Ords. 1946, ch. 28, § 7)

Sec. 12-97. Height of contents.

No person shall allow the contents of any cesspool or privy vault to rise within one foot of any part of the top, nor to become a nuisance or in any way offensive. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 28, § 9)

Sec. 12-98. Deposit of contents.

No person shall deposit within the city the contents of any privy vault or of any cesspool without permission of the superintendent of health. (Rules of Bd. of Ald., ch. 1, r. 56; Rev. Ords. 1946, ch. 28, § 10)

Sec. 12-99. Disinfecting.

When required by the superintendent of health the owner of any cesspool or privy vault shall disinfect the same in such manner as may be required by said superintendent. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 28, § 11)

Secs. 12-100—12-109. Reserved.

Article V. Rat and Vermin Control*

Sec. 12-110. Definitions.

For the purposes of this article the following definitions shall apply:

(a) *Buildings.* The term "buildings" shall mean any structure whether public or private, that is adapted for occupancy, for transaction of business, for rendering of professional services, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels, apartment buildings, tenement houses, rooming houses, office buildings, public buildings, stores, theatres, markets, restaurants, grain elevators, abbatoirs, warehouses, workshops, factories and all outhouses, sheds, barns and other structures on premises used for business purposes.

(b) *Ratproofing.* The term "ratproofing" as used herein applies to a form of construction to prevent the ingress of rats into buildings from the exterior or from one building or establishment to another. It consists essentially of treating all actual or potential openings in the exterior wall, grounds or first floors, basements, roof and foundations, that may be reached by rats from the ground by climbing or by burrowing, with material impervious to rat gnawing.

(c) *Rat harborage.* The term "rat harborage" shall mean any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of a structure of any kind.

(d) *Rat eradication.* The term "rat eradication" means the elimination or extermination of rats within buildings so that the buildings are completely freed of rats or there is

*Charter references—Superintendent of health, §§ 4.12, 4.13; director of public welfare, §§ 4.14, 4.15.

Cross references—Building ordinance preserved, § 5-1; sanitary requirements of housing code, § 13-112 et seq.; safe and sanitary maintenance requirements of housing code, § 13-182 et seq.; duty of occupant of dwelling, responsibility for extermination of rodents, vermin and other pests, § 13-207; extermination of rodents, vermin and other pests in rooming house, § 13-237.

State law references—Authority to make regulations as to nuisances resulting from unhealthy conditions, § 23-19-4, Gen. Laws 1956; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

no evidence of rat infestation remaining, by any or all of the accepted measures, such as poisoning, fumigation, trapping, clubbing, etc.

(e) *Owner.* The term "owner" shall mean the actual owner of the business building, whether individual, partnership, or corporation, or the agent of the building, or other person having custody of the building or to whom rent is paid. In the case of business buildings leased with a clause in the lease specifying that the lessee is responsible for maintenance and repairs, the lessee will be considered in such cases as the "owner" for the purpose of this article.

(f) *Occupant.* The term "occupant" as used herein shall mean the individual, partnership, or corporation that has the use of or occupies any business building or part or fraction thereof, whether the actual owner or tenant. In the case of vacant business buildings or any vacant portion of a business building the owner, agent or other person having custody of the building shall have the responsibility of an occupant of a building. (Ch. 17, § 31, added by Ord. 1948, ch. 60, § 1)

Sec. 12-111. Keeping premises in rat-infested, vermin-infested condition.

It shall be unlawful for the owner or occupant of any premises within the city to maintain said premises in a vermin or rat-infested condition or permit any such premises to become infested with vermin or rodents. (Ch. 17, § 32, added by Ord. 1948, ch. 60, § 2)

Sec. 12-112. New buildings and buildings repaired or altered to be ratproofed.

No building or structure shall be erected, repaired, altered or extended unless provision is made for ratproofing such structure. (Ch. 17, § 33, added by Ord. 1948, ch. 60, § 3)

Sec. 12-113. Buildings to be rat eradicated prior to demolition.

No building or structure shall hereafter be razed or demolished unless and until provision is made by the owner thereof for the rat eradication of said building or structure. (Ch. 17, § 33.1, added by Ord. 1954, ch. 914, § 1)

Sec. 12-114. Inspection of premises; notice of infested conditions; service of notice.

(a) It shall be the duty of the superintendent of health to cause an inspection of any premises in the city which he has good reason to believe are not in a ratproof or verminproof condition.

(b) If such premises are found to be vermin or rat infested, a notice in writing bearing the date of issue and signed by the superintendent of health, or his duly authorized reprsentative, shall be served upon such owner or occupant. Said notice shall state the conditions of such premises and the required corrections.

(c) Any such notice may be served by any employee of the department of health or police or may be served by depositing the said notice, enclosed in a postpaid envelope addressed to the person to be notified, in the post office of the city. (Ch. 17, § 34, added by Ord. 1948, ch. 60, § 4)

Sec. 12-115. Duty of owner or occupant to remedy infested conditions.

After the owner or occupant of any premises has been notified by the superintendent of health or his duly authorized representative, that such premises are vermin or rat infested it shall be the duty of such owner or occupant to take immediate measures to remedy the said condition. (Ch. 17, § 35, added by Ord. 1948, ch. 60, § 5)

Sec. 12-116. Injuring ratproofing construction.

It shall be unlawful for any person to remove, damage or destroy any part of any building or other appurtenance of improved real estate premises, intended to protect such premises against ingress of rats, or in any other way to create a condition by which ingress for rats is made possible; provided that this section shall not apply where the interference with the ratproofing is made necessary in connection with a lawful construction, promptly restored. (Ch. 17, § 36, added by Ord. 1948, ch. 60, § 6)

Sec. 12-117. Throwing rat or vermin harborage on vacant lots, streets, lakes, other property.

No person shall throw, place or deposit or permit any 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 vacant lot, alley, lane, sidewalk or street, canal, lake or river, or upon any private lot or public ground within the city without the consent of the superintendent of health. (Ch. 17, § 37, added by Ord. 1948, ch. 60, § 7)

Sec. 12-118. Feeding domesticated birds, fowl, animals.

No person shall place food in the open for the feeding of any domesticated fowl, birds or animals except in such containers as will prevent the scattering of such food upon the ground. After such feeding, such food shall not be allowed to remain where it is accessible to rats. (Ch. 17, § 39, added by Ord. 1948, ch. 60, § 9)

Cross reference—Animals and fowl generally, § 4-1 et seq.

Sec. 12-119. Feeding wild birds.

No person shall feed wild birds other than in suitable containers for the food, elevated at least forty-eight (48) inches above the ground level. (Ch. 17, § 38, added by Ord. 1948, ch. 60, § 8)

Cross reference—Animals and fowl generally, § 4-1 et seq.

Sec. 12-120. Penalty for violation of article.

Whoever violates any provision of this article, or any order or regulation made in pursuance thereof, or obstructs or interferes with the execution of such order or wilfully or illegally fails to obey such order, shall be guilty of an offense punishable as provided in section 1-10 of this Code of Ordinances. (Ch. 17, § 40, added by Ord. 1948, ch. 60, § 10)

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Chapter 13

HOUSING*

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Sec. 13-239. Maximum occupancy in Type A units.
Sec. 13-240. Minimum sleeping space per occupant.
Sec. 13-241. Kitchen in Type A unit.
Sec. 13-242. Communal kitchen for Type B rooming units.
Sec. 13-243. Cooking prohibited in Type B and Type C rooming units.

Article I. In General

Sec. 13-1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter and of any rules and regulations adopted pursuant thereto:

Approved shall mean as defined and specified by the director in rules and regulations adopted pursuant to the provisions of this chapter.

Basement shall mean that story of a building or dwelling located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground, as measured from finished floor to finished ceiling.

Board shall mean the housing board of review.

Cellar shall mean a portion of a building or dwelling located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground, as measured from finished floor to finished ceiling.

Director shall mean the director of the division of minimum housing standards.

Dwelling shall mean any building or part thereof which is wholly or partly used or intended to be used for living and sleeping by one or more occupants. A dwelling may include one or more dwelling units or rooming units or a combination of both.

Dwelling premises shall mean the land and auxiliary buildings thereon used or intended to be used in connection with the dwelling.

Dwelling unit shall mean any room or group of rooms within a dwelling and forming a single and separate habitable unit with facilities which are used or intended to be used for living, sleeping, regular cooking and eating.

Floor space shall mean the horizontally projected floor area inside of and between exterior walls or partitions or any combination thereof, as measured within a habitable room exclusive of that portion of the habitable room which does not have a ceiling height of at least four (4) feet.

Garbage shall mean all combustible refuse.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, and excluding bathrooms, toilet rooms or compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

Infestation shall mean the presence, within or around a dwelling, or dwelling premises, or rodents, vermin or other pests.

Interpretation. In the interpretation and enforcement of this chapter, all words other than the terms herein specifically defined shall have the meanings implied by their context in this chapter or their ordinarily accepted meanings as generally used; words in the present tense shall include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural number includes the singular.

Multiple dwelling shall mean any dwelling containing more than three (3) dwelling units.

Occupant shall mean any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator shall mean any person who has charge, care or control of a multiple dwelling or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

Owner shall mean any person who, alone, jointly, severally or jointly and severally with others:

(a) Shall have legal or record title to any dwelling or dwelling premises; or

(b) Shall have charge, care or control of any dwelling or dwelling premises as agent of the owner, executor, administrator, trustee or guardian of the estate of the owner.

Plumbing shall mean and include all of the following supplied facilities, equipment and devices: Gas pipes, water pipes, toilets, lavatories, sinks, laundry tubs, installed dishwashers, garbage disposal units, installed clothes-washing machines, catch basins, washbasins, bathtubs, shower baths, waste and sewer pipes, cesspools, septic tanks, drains, vents, traps and any other gas-burning or water-using fixtures and appliances together with all connections to water, waste and sewer, or gas pipes.

Proper or properly shall mean as defined and specified herein or in rules and regulations adopted pursuant hereto; or when not so defined or specified, in accordance with the applicable ordinances of the city.

Rooming house shall mean any dwelling, or part thereof, which contains one or more rooming units, and in which space is occupied or intended to be occupied by five (5) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rubbish shall mean all noncombustible refuse.

Supplied or *supply* shall mean paid for, furnished by, or provided by the owner or operator.

Type A rooming unit shall mean a single and separate habitable unit consisting of not more than two (2) rooms within a rooming house, with facilities which are used or intended to be used for living, sleeping, cooking and eating, but which does not have a private toilet and either a private bathtub or shower bath.

Type B rooming unit shall mean any room or group of rooms which form a single and separate habitable unit which is used or intended to be used for living and sleeping, but not for cooking, within a rooming house which contains a community kitchen or kitchens in which meals may be prepared by the occupants.

Type C rooming unit shall mean any room or group of rooms which form a single and separate habitable unit within a rooming house and used or intended to be used for living and sleeping, but not for cooking. (Ch. 17A, § 1, added by Ord. 1956, ch. 1040, § 1)

Sec. 13-2. Title of chapter.

This chapter shall be known as the Minimum Standards Housing Ordinance. (Ch. 17A, § 2, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-3. Statement of policy.

It is hereby declared that there exist in the city numerous dwellings which are substandard in one or more important features of structural safety, sanitary facilities and maintenance, and healthful occupancy; and that these conditions together with the inadequate provision for light and air, insufficient protection against fire, insanitary conditions, lack of proper heating, overcrowding of dwellings, deterioration and disrepair of dwellings and dwelling premises, and the occupancy of unfit dwellings, endanger the health, safety, morals, and general welfare of the community, and give impetus to the continuation, extension and aggravation of urban blight and decay. It is further declared that the establishment and enforcement of minimum housing standards, and the re-

habilitation of housing are essential to the public health, safety, and general welfare. (Ch. 17A, § 3, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-4. Purpose of chapter.

The purpose of this chapter shall be to protect the public health, safety and welfare by establishing minimum standards governing the condition and maintenance of all dwellings and dwelling premises; establishing minimum standards governing utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners, operators, and occupants of dwellings and dwelling premises; and fixing the conditions whereby certain dwellings may be declared unfit for occupancy and condemned for human habitation; and fixing penalties for violations of the provisions of this chapter. (Ch. 17A, § 4, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-5. Applicability to all dwellings.

Every portion of a building or its premises used or intended to be used for any dwelling purpose shall comply with the provisions of this chapter and with the rules and regulations adopted pursuant thereto, irrespective of when such building shall have been constructed, altered or repaired; and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the dwelling and dwelling premises, for the construction or repair of the dwelling, or for the installation or repair of dwelling equipment prior to the effective date of this chapter. This chapter establishes minimum standards for the initial and continued occupancy of all dwellings and does not replace or modify standards otherwise established for the construction, repair, or use of buildings or the installation of building equipment except as they may be in conflict with the provisions of this chapter as provided by section 13-18 of this chapter. (Ch. 17A, § 5, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-6. Promulgation of rules and regulations.

(a) The director is hereby empowered to make, and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this chapter, to interpret and to secure the intent thereof, but no such rules and regulations shall be in conflict with the provisions of this chapter or any other ordinance of the city or shall have the effect of waiving any provisions of this chapter.

(b) Such rules and regulations shall have the same force and effect as the provisions of this chapter and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter, as herein provided.

(c) Such rules and regulations shall be submitted to the city council. Failure of the city council to approve, reject or modify such rules and regulations within thirty (30) days from the date of submission shall be deemed to constitute approval thereof by the city council. Said rules and regulations as approved by the city council shall be published in a newspaper of general circulation in the city and shall be effective ten (10) days after said publication. (Ch. 17A, § 17, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-7. Urban renewal coordinator.

The mayor shall appoint an urban renewal coordinator to serve at his pleasure as his assistant for all housing matters. In the administration of this chapter, the urban renewal coordinator is authorized to secure such cooperation and assistance from other municipal departments, commissions, and agencies as may be required as follows: First, to implement the statement of policy set forth in section 13-3 of this chapter; second, to provide for the enforcement of this chapter as an effective part of the city's urban housing improvement and urban renewal program; third, to support the enforcement of this chapter through the development of a workable program to deal with the problems of urban blight and slums; fourth, to establish and preserve sound and stable residential neighborhoods of decent, safe and sanitary homes, and suitable living environment for adequate family life by encour-

aging the rehabilitation of substandard houses, by effecting the conservation and improvement of basically sound neighborhoods, and the redevelopment of blighted and substandard areas; and fifth, to utilize federal housing aids and financial assistance for housing improvement and urban renewal. (Ch. 17A, § 6, added by Ord. 1956, ch. 1040, § 2; Ord. 1957, ch. 1108, § 1)

Sec. 13-8. Technical steering committee.

The mayor shall appoint a technical steering committee to assist the urban renewal coordinator in carrying out his duties. The committee shall consist of the city solicitor, the finance director, the director of public works, the chief of the fire department, the director of the department of building inspection, the superintendent of health, the director of the city plan commission, the executive director of the Providence Redevelopment Agency, the executive director of the Providence Housing Authority, a member of the city council, and such other officials as the mayor may appoint, who may be charged from time to time with any aspects of urban renewal and the regulations or improvement of housing conditions. The urban renewal coordinator shall represent the mayor as chairman of the technical steering committee. (Ch. 17A, § 7, added by Ord. 1956, ch. 1040, § 2; Ord. 1957, ch. 1108, § 1)

Sec. 13-9. Minimum housing standards division—Created, designated.

There is hereby created within the executive department a division of minimum housing standards, hereinafter referred to as "the division", for the purposes of enforcing the provisions of this chapter and such other matters as may be appropriately assigned to it. (Ch. 17A, § 8, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-10. Same—Administration of divisions and delegation of powers.

The division of minimum housing standards shall be operated under the general direction of the urban renewal coordinator, and under the immediate supervision and control

of a director appointed by the mayor, subject to the approval of the city council, and to serve at the pleasure of the mayor. The director may delegate any of his powers or duties under the provisions of this chapter to any properly qualified employee of the division. (Ch. 17A, § 9, added by Ord. 1956, ch. 1040, § 2; Ord. 1957, ch. 1108, § 1)

Sec. 13-11. Appointment and duties of chief inspector and other personnel.

The chief inspector of the division of minimum housing standards shall be appointed by the director subject to the approval of the mayor. The chief inspector shall be the responsible head of the inspection staff and shall exercise such authority as shall be delegated to him by the director. All other personnel of the division shall be appointed by the director, subject to the prior approval of the personnel director. (Ch. 17A, § 13, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-12. Appointment and duties of hearing officer.

The director shall serve as the hearing officer of the division of minimum housing standards and as such shall be responsible for the scheduling, conduct and recording of hearings as provided for in sections 13-35 to 13-47 of this chapter; except that the director may delegate these duties to the chief inspector or any other qualified employee of the division. (Ch. 17A, § 14, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-13. Personnel of division of minimum housing standards.

The personnel of the division of minimum housing standards shall consist of a director, a chief inspector and such other inspectors, clerks and other personnel as may be necessary for the proper organization of the division and for the proper enforcement of this chapter. (Ch. 17A, § 12, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-14. Identification of inspectors.

Inspectors of the division of minimum housing standards shall wear such badges or insignia as may be prescribed by

the ordinances of the city and shall, upon request, exhibit clear identification whenever it shall be their duty to visit private residences, buildings or premises for the purpose of making any survey, examination or inspection; and may, at the direction of the director, be uniformed when on duty for the purpose of identification. (Ch. 17A, § 15, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-15. Preliminary housing surveys by director.

The director is authorized to make housing surveys in any area of the city to determine the general conditions of the dwellings in that area, the extent of deterioration and the lack of facilities and maintenance, the unsafe and insanitary conditions, the overcrowding which may exist, and other matters included within the provisions of this chapter. (Ch. 17A, § 10, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-16. Reports of director.

The director shall annually submit a written report to the mayor, the urban renewal coordinator and to the city council regarding the activities of the division of minimum housing standards, and the procedures used in the administration and enforcement of this chapter, which will indicate the progress and problems experienced in improving the sanitation, safety and rehabilitation of existing dwellings and dwelling premises. (Ch. 17A, § 11, added by Ord. 1956, ch. 1040, § 2; Ord. 1957, ch. 1108, § 1)

Sec. 13-17. Applicability of city building code.

Whenever the provisions of this chapter requires the construction, installation, alteration or repair of a dwelling or of its facilities, utilities or equipment, the required work shall be done in full compliance with the applicable provisions of the city's building code, except as provided in section 13-18 of this chapter. (Ch. 17A, § 20, added by Ord. 1956, ch. 1040, § 13)

Editor's note—The building ordinance is not included in this publication, but is published separately, and will be found on file in the office of the city clerk. In this regard, see § 5-1, preserving the building ordinance from repeal.

Sec. 13-18. Conflict of chapter with other ordinances.

In any case where a provision of this chapter or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto, or any other ordinance, code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail. (Ch. 17A, § 21, added by Ord. 1956, ch. 1040, § 13)

Sec. 13-19. Conflict of permits and licenses with chapter.

All departments, officials and employees of the city which have the duty or authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings, dwelling premises or dwelling equipment or facilities shall conform to the provisions of this chapter, and no permit or license for any construction, installation, repair, use or occupancy shall be issued if such would be in conflict with the provisions of this chapter, except as provided in section 13-18 of this chapter. Any permit or license issued in conflict with the provisions of this chapter, except as provided in section 13-18 of this chapter, shall be null and void. (Ch. 17A, § 22, added by Ord. 1956, ch. 1040, § 13)

Sec. 13-20. Application to zoning board of review for variance, exception.

(a) Whenever a compliance order issued pursuant to the provisions of this chapter requires an extension of a building into a required rear yard or side yard, or the execution of any compliance order will result in any violation of the zoning ordinance, the director is authorized to apply to the zoning board of review for a variance or exception.

(b) The director shall file an application for and in behalf of the owner, and shall prepare the necessary radius plans and plot plans to be submitted to the zoning board of review.

(c) For the purpose of preparing the necessary documents, the director may use the facilities of any other department of the city. No filing fees shall be required of the director. (Ch. 17A, § 142, added by Ord. 1958, ch. 1207, § 1)

Editor's note—Sec. 27-1 of this Code preserves the zoning ordinance, as amended.

Sec. 13-21. Referral of housing violations not covered by chapter but by standards of other codes.

Whenever the director determines that the condition of a dwelling or dwelling premises or any part thereof is in violation of any zoning, building, fire or health ordinance or regulation adopted pursuant thereto, or any other ordinance, or code or regulation of the city governing the condition and improvement of housing, which is not provided for by this chapter, or which is provided for by a higher standard of such other ordinance, code or regulation, according to section 13-18 of this chapter, he shall refer such violation to the appropriate authority. (Ch. 17A, § 16, added by Ord. 1956, ch. 1040, § 2)

Sec. 13-22. Authority to act on nuisances; removal, demolition of buildings.

Nothing in this chapter shall be deemed to abolish or impair any existing remedies of the city or its officers or agencies relating to the removal or abatement of nuisances, or to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or insanitary. (Ch. 17A, § 19, added by Ord. 1956, ch. 1040, § 13)

Sec. 13-23. Prosecution of existing violations.

This chapter shall not affect violations of any other existing ordinance, code or regulation of the city, and such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed. (Ch. 17A, § 24, added by Ord. 1956, ch. 1040, § 13)

Sec. 13-24. Violations and penalties.

(a) Any person who shall violate any provision of this chapter, or any provision of any rule or regulation adopted pursuant to authority granted by this chapter, shall upon conviction, be punished as provided in section 1-10 of this Code of Ordinances.

(b) The city solicitor shall, upon complaint of the director, institute injunction, abatement or other appropriate actions or proceedings at law or in equity to restrain, prevent, enjoin, abate, correct or remove such violations.

(c) The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. (Ch. 17A, § 18, added by Ord. 1956, ch. 1040, § 13)

Secs. 13-25—13-34. Reserved.

Article II. Enforcement*

Sec. 13-35. Inspection of dwellings, dwelling units, premises.

The director is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and dwelling premises in order that he may perform his duty of safeguarding the health, safety and welfare of the occupants of dwellings and of the general public. For the purpose of making such inspections the director is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and dwelling premises. (Ch. 17A, § 25, added by Ord. 1956, ch. 1040, § 3)

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*Cross reference—Building ordinance, amendments preserved, § 5-1.
State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; zoning ordinances, ch. 45-24, Gen. Laws 1956; city housing authorities, ch. 45-25, Gen. Laws 1956; special act authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

Sec. 13-36. Access to be given to director, others.

The owner, operator or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the director free access to such dwelling, dwelling unit or rooming unit and dwelling premises, at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling, dwelling unit or rooming unit shall give the owner or operator thereof, or any person designated by the owner or operator, access to any part of such dwelling, dwelling unit, or rooming unit or dwelling premises, at all reasonable times for the purpose of examination and for making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any rule or regulation adopted pursuant thereto or with any notice of violation or order issued pursuant to the provisions of this chapter. (Ch. 17A, § 26, added by Ord. 1956, ch. 1040, § 3)

Sec. 13-37. Notice of violations.

(a) Whenever the director determines that there are reasonable grounds to believe that there is a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible therefor, as hereinafter provided. Such notice shall be in writing, and shall specify the alleged violation and a reasonable time to correct it, and shall be served upon the owner, operator or the occupant, as the case may require.

(b) Such notice of violation shall be deemed to be properly served upon such owner, operator or occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by mail, postage prepaid, to the last known address of such person; or if a copy thereof is posted in a conspicuous place in and about the dwelling affected by the notice; or if the responsible person is served with such notice by any other method now or hereafter authorized under the laws of this state.

(c) The notice of violation shall inform the person to whom it is directed of his right to apply for a hearing before the director, and the procedure by which application for such hearing can be made as provided in section 13-41 of this chapter. Written entry of appearance or presence at such hearing shall fulfill the requirements for service of the notice of violation. (Ch. 17A, § 27, added by Ord. 1956, ch. 1040, § 3; Ord. 1962, ch. 1513, § 1)

Sec. 13-38. Compliance order generally.

(a) Any notice of violation as provided in section 13-37 of this chapter shall automatically become a compliance order if written request for a hearing is not filed in the office of the director within ten (10) days after the service of the notice.

(b) A copy of the compliance order shall be served in the manner provided in section 13-37; provided, however, that if said compliance order is served by mail it shall be sent by registered or certified mail, return receipt requested, and shall inform the person to whom it is directed of his right of appeal to the housing board of review, and the procedure by which application for such appeal can be made as provided in sections 13-66 through 13-77 of this chapter. Written entry of appearance or presence at a hearing, in connection with a notice of violation shall not fulfill the requirements for service of a compliance order. (Ch. 17A, § 28, added by Ord. 1956, ch. 1040, § 3; Ord. 1962, ch. 1513, § 2)

Sec. 13-39. Emergency compliance order; issuance, effect.

Whenever the director at any stage of any proceedings instituted under the provisions of this chapter, finds that there exists a violation of this chapter which in his opinion requires immediate action to abate a direct hazard, or immediate peril to the health, safety or welfare of the occupants of a dwelling or of the public, he may, without prior notice of violation or hearing, issue an immediate compliance order reciting the existence of such violation, and requiring that such action be taken as he deems necessary to alleviate the violation,

which may include an order to vacate, as provided in section 13-91 of this chapter. Notwithstanding the other provisions of this chapter, the immediate compliance order shall be effective immediately upon its service, or in such time as the director shall, under the circumstances, deem reasonable, necessary and proper, and any person upon whom an immediate compliance order is served shall comply therewith immediately or otherwise as such order may specify. Such person shall have the right to appeal to the housing board of review as provided in sections 13-58 to 13-77 of this chapter and such appeal shall be given priority and conducted as soon as possible and as provided for in sections 13-58 to 13-77 of this chapter. (Ch. 17A, § 29, added by Ord. 1956, ch. 1040, § 3)

Sec. 13-40. Authority of director to make repairs and recover expenses.

Whenever any violation of this chapter which in the opinion of the director causes a direct hazard or immediate peril to the health, safety or welfare of the occupants of a dwelling or of the public has not been corrected in the time specified by the immediate compliance order, he may, subject to the provisions of section 13-70 of this chapter, take such direct action as is necessary to alleviate the violation causing the direct hazard or immediate peril. When certified by the director, the costs incurred in the execution of the immediate compliance order shall be paid out of the city treasury, from funds made available for such purposes to the director. The owner, operator or occupant of the dwelling, dwelling unit, rooming unit or dwelling premises who is responsible for immediate compliance shall be served a notice stating the amount of the expenses incurred by the director in executing the immediate compliance order. Such notice shall be served in the manner provided in section 13-37 of this chapter. These expenses shall be paid for by the responsible person on whom the notice is served and unless the expenses are paid within thirty (30) days after such notice is served, the director shall certify the expenses to the city solicitor who shall institute appropriate action against such person for the recovery of

such expenses. In every case, certified expenses shall be the costs necessary to perform the required work as expeditiously as possible, together with a ten per cent (10%) service charge in addition thereto. (Ch. 17A, § 30, added by Ord. 1956, ch. 1040, § 3)

Sec. 13-41. Hearing for person affected by notice of violation.

Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of this chapter or any rule or regulation adopted pursuant thereto may request and shall be granted a hearing before the director after such person shall file in the office of the director a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his address upon whom any notices and orders may be served, and why such enforcement or compliance should not be effected. If this request is filed within ten (10) days after the service of the notice of violation, compliance with the notice shall not be required while the hearing is pending. On receipt of such request, the director shall set a time and place for such hearing, and shall give the applicant at least five (5) days' written notice thereof. At such hearing the applicant shall be given an opportunity to show cause why such notice of violation shall be modified or withdrawn. (Ch. 17A, § 31, added by Ord. 1956, ch. 1040, § 3)

Sec. 13-42. Decision at hearing.

After a hearing held in accordance with the provisions of section 13-41 of this chapter and on consideration of the evidence presented, the director shall sustain, modify or withdraw the notice. If the director by his decision, sustains or modifies the notice, such decision shall be deemed a compliance order. Compliance orders shall be served on the person whom the director shall find to be responsible for the violation and in the manner provided by section 13-38 of this chapter. (Ch. 17A, § 32, added by Ord. 1956, ch. 1040, § 3)

Sec. 13-43. Record of hearing.

The director shall keep a record of the hearing held hereunder, which shall include a copy of the notice of violation, the request for hearing, entries of appearance, findings of fact, if any, the decision of the director and a copy of any compliance order issued in connection therewith; and such record shall be maintained as a public record. (Ch. 17A, § 33, added by Ord. 1956, ch. 1040, § 3)

Sec. 13-44. Reinspections by director.

At the end of the time period specified in a compliance order or any extension thereof, it shall be the duty of the director to make a reinspection of the dwelling, dwelling unit, rooming unit or dwelling premises, and if the order has not been complied with, the director shall institute proper legal action or make such further orders as the case may require. (Ch. 17A, § 34, added by Ord. 1956, ch. 1040, § 3)

Sec. 13-45. Demolition deemed compliance with notices, orders.

Any owner of a building or dwelling receiving a notice of violation or a compliance order stating that such dwelling does not comply with the provisions of this chapter or of the rules and regulations adopted pursuant thereto may demolish such building or dwelling, and such action shall be deemed compliance, except that any resulting cellar holes shall be filled to grade. (Ch. 17A, § 35, added by Ord. 1956, ch. 1040, § 3)

Sec. 13-46. Transfer of ownership subsequent to service of notice of violation or compliance order.

It shall be unlawful for the owner of any dwelling or dwelling unit upon whom a notice of violation or compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another until the provisions of the notice of violation or compliance order have been complied with, or until such owner shall first furnish to the grantee, lessee or mortgagee prior to such transfer, lease or mort-

gage a true copy of any notice of violation or compliance order issued by the director, and at the same time notify the director in writing of the intent to transfer, lease or mortgage, either by delivering said notice of intent to the director and receiving a receipt therefor, or by registered or certified mail return receipt requested giving the name and address of the person to whom the transfer, lease or mortgage is proposed. A transferee, lessee or mortgagee who has received actual or constructive notice of the existence of a notice of violation or compliance order shall be bound by such notice or order as of the date of such transfer, lease or mortgage without service of further notice upon him. (Ch. 17A, § 36, added by Ord. 1956, ch. 1040, § 3)

Sec. 13-47. Recording notices and orders; liability of persons having notice of proceedings.

Whenever a notice of violation or a compliance order has been issued for a violation of this chapter or any rule or regulation adopted pursuant thereto, the director may file in the office of the recorder of deeds a copy of the notice or order. Such notice or order shall be recorded in the same manner as "lis pendens" notices, and such recording shall be constructive notice to any purchaser or encumbrancer of the real property affected thereby. Notwithstanding any other provisions of this chapter, any person purchasing or otherwise acquiring any interest in any real property and having actual or constructive notice of any proceedings instituted under the provisions of this chapter shall be immediately subject to and bound by any such proceedings and to any compliance order entered with respect to the real property. (Ch. 17A, § 37, added by Ord. 1956, ch. 1040, § 3)

Secs. 13-48—13-57. Reserved.

Article III. Housing Board of Review*

Sec. 13-58. Established; general powers and duties.

There shall be a housing board of review which is authorized to hear and decide appeals from compliance orders.

*Charter reference—Appointive officers and employees, § 4.1 et seq.
Cross reference—Building ordinance, amendments preserved, § 5-1.

The board shall have the power to reverse or affirm wholly or partly or to modify any order of the director; and in specific cases to authorize such variance in the application of the terms of this chapter, where owing to unusual conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. (Ch. 17A, § 52, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-59. Composition; appointment of members.

The housing board of review shall consist of five members appointed by the mayor of the city, subject to the approval of the city council. (Ch. 17A, § 53, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-60. Qualifications of members.

Each member of the housing board of review shall be a resident of the city, and one member shall be a qualified builder, or a licensed architect, or a licensed professional engineer; and another shall be a qualified doctor of medicine or of public health. No member of the board shall serve on any other appointive board of the city; provided however, that the chairman of the housing board of review shall be a member of the mayor's housing advisory council whenever such council shall be appointed. (Ch. 17A, § 54, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-61. Officers.

The mayor shall select one of the members of the housing board of review to serve as chairman, and the board shall select one of its members to serve as vice-chairman; and the mayor shall appoint subject to the approval of the city council a secretary of the board who shall keep a detailed record of its business and proceedings. (Ch. 17A, § 55, added by Ord. 1956, ch. 1040, § 5)

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; zoning ordinances, ch. 45-24, Gen. Laws 1956; city housing authorities, ch. 45-25, Gen. Laws 1956; special acts authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

Sec. 13-62. Terms of members; filling vacancies.

One member of the housing board of review first constituted shall be appointed for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years and one to serve for one (1) year; each new member shall serve for five (5) years and until his successor has been appointed and qualified. The mayor with the approval of the council shall appoint a member of the board to fill any unexpired term if a vacancy occurs. (Ch. 17A, § 56, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-63. Compensation of board members.

The compensation of the chairman of the housing board of review shall be sixty dollars ($60.00) per meeting, but not to exceed twelve hundred dollars ($1,200.00) per year, and the compensation for each of the other members shall be fifty dollars ($50.00) per meeting, but not to exceed one thousand dollars ($1,000.00) per year. Compensation for any meeting of the board shall be paid only for actual attendance. (Ch. 17A, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-64. Disqualification of members from certain matters.

No member of the housing board of review shall pass on any matter in which he has a business or a personal interest. (Ch. 17A, § 58, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-65. Meetings.

The housing board of review shall meet at least once a month and at other times upon the call of the chairman. Notice of the meeting to hear an appeal shall be given the appellant, the director, and the members of the board, at least ten (10) days before the holding of the meeting, except for a hearing on an appeal involving a restraining order at which time notice need not exceed forty-eight (48) hours. Upon receipt of notice of an appeal the director shall forward immediately to the secretary of the board all pertinent records. (Ch. 17A, § 59, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-66. Right to appeal to board from compliance order.

Any person upon whom a compliance order has been served may appeal from the compliance order to the housing board of review. (Ch. 17A, § 60, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-67. Grounds for appeal from compliance order.

Application for an appeal provided for in section 13-66 may be made whenever it is alleged that the compliance order does not conform with the true intent of this chapter or of the rules and regulations adopted pursuant thereto; that the compliance order is contrary to law; that the provision of this chapter do not fully apply; or that in unusual conditions, unnecessary hardship will result from the literal enforcement of the provisions of this chapter. (Ch. 17A, § 61, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-68. Filing appeal from compliance order.

Any eligible person desiring to take an appeal shall file in the office of the housing board of review, within ten (10) days after service of the compliance order, a written appeal including a brief statement of the reasons therefor, and a detailed statement of the facts supporting the appeal. A notice of the appeal shall be forwarded immediately to the director by the secretary of the board. (Ch. 17A, § 61, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-69. Schedule of appeal fees.

An appeal fee, in accordance with the following schedule, shall be paid upon the filing of any application for appeal before the housing board of review:

(a) The appeal fee shall be five dollars ($5.00) whenever an appeal is taken from a compliance order issued as a result of hearing before the director;

(b) The appeal fee shall be ten dollars ($10.00) whenever an appeal is taken from a compliance order issued after failure to request a hearing before the director, or after failure to appear at such hearing.

Upon receipt of the appeal fee by the board, said fee shall be paid into the city collector. (Ch. 17A, § 62, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-70. Effect of filing appeal.

An appeal to the housing board of review shall stay all proceedings under the compliance order from which such appeal has been taken, except that the director may certify to the board after receipt of the notice of the appeal, as provided in sections 13-67 and 13-68 of this chapter, that by reason of the facts stated in the certificate, any stay of proceedings would in his opinion cause a direct hazard or immediate peril to the health or safety of the occupants of a dwelling or of the public, and in such event proceedings shall not be stayed except by restraining order granted by the chairman or the acting chairman of the board on application therefor by the appellant, upon notice to the director, and on due cause shown, or by a court of competent jurisdiction. Whenever a restraining order has been issued, the appeal shall be given priority over all other matters before the board, and shall be promptly heard and decided. (Ch. 17A, § 63, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-71. Quorum for hearing appeal.

In order for the housing board of review to hear an appeal a quorum of three (3) members of the board must be present. When a quorum is not present, the hearing of the appeal shall be postponed until such time as a quorum is present. The board shall provide for a new date for the hearing of the appeal in accordance with the provisions of section 13-65 of this chapter. (Ch. 17A, § 64, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-72. Conduct of hearings on appeals.

All hearings of appeals by the housing board of review shall be "de novo". All hearings shall be public, and the appellant, his representative, the director and any other person whose interests may be affected by the matter on appeal, and

who files a written entry of appearance shall be given an opportunity to be heard. Written entry of appearance at such hearing shall fulfill the requirements for service of any notice or order by the director. (Ch. 17A, § 65, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-73. Administering oaths and compelling attendance of witnesses.

The chairman of the housing board of review or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. (Ch. 17A, § 66, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-74. Vote required to reverse, modify order, authorize variance.

A concurring vote of a majority of the members of the housing board of review present at a hearing shall be necessary to reverse or modify any order or decision of the director, and to authorize a variance in the application of any of the provisions of this chapter as provided in section 13-58 of this chapter. In the event of a tie vote of the members of the board present at the hearing, the order or decision of the director shall be deemed to have been sustained. (Ch. 17A, § 68, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-75. Minutes, records of proceedings, decisions.

All decisions of the housing board of review shall be in writing. The board shall keep clear and detailed minutes of all its proceedings including its decisions and the reasons therefor and the vote of each member participating therein and the absence of a member or his failure to vote. Such record, immediately following the board's decision, shall be filed in the office of the board and shall be a public record. Notice of the board's decision shall be promptly furnished to the appellant, his representative, any person who has filed a written entry of appearance, and to the director, and the director shall take immediate action in accordance with the decision of the board. (Ch. 17A, § 69, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-76. Review of proceedings of board.

Proceedings of the housing board of review shall be conclusive with respect to questions of fact and may be reviewed only on questions of law by courts of competent jurisdiction as provided in section 13-77 of this chapter. (Ch. 17A, § 67, added by Ord. 1956, ch. 1040, § 5)

Sec. 13-77. Judicial review of decisions of board.

(a) Any person including the director aggrieved by any decision of the housing board of review may present to the Supreme Court a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the housing board of review to review such decision of the board and shall prescribe therein the time within which a return thereto must be made, which shall be not less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, upon notice to the board and on the due cause shown, grant a restraining order.

(b) The board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show grounds of the decision appealed from and shall be verified.

(c) If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a master to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

(d) The court may reverse or affirm wholly or partly or may modify the decision brought up for review. (Ch. 17A, § 70, added by Ord. 1956, ch. 1040, § 5)

Secs. 13-78—13-87. Reserved.

Article IV. Unfit Dwellings*

Sec. 13-88. Designation of unfit dwellings.

Any dwelling or dwelling unit which shall be found by the director to have any of the following defects shall be condemned as unfit for continued occupancy and human habitation and shall be so designed and placarded by the director:

(a) One which according to the provisions of sections 13-112 to 13-155 of this chapter is so lacking in sanitation, heating, lighting or ventilation facilities that it creates a serious hazard to the health or safety of the occupants or of the public.

(b) One which according to the provisions of sections 13-166 to 13-171 of this chapter, and which because of its general condition, number of occupants or location, is so insanitary, overcrowded or otherwise dangerous or detrimental that it creates a serious hazard to the health or safety of the occupants or of the public.

(c) One which according to the provisions of sections 13-182 to 13-189 of this chapter is so decayed, damaged, dilapidated, insanitary, unsafe or infested that it creates a serious hazard to the health or safety of the occupants or of the public. (Ch. 17A, § 38, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-89. Designation of unfit rooming houses or rooming units as unfit.

Any rooming house or rooming unit which shall be found by the director to be in violation of any provision of sections

*Cross references—Building code, amendments preserved, § 5-1; egress requirements for certain occupancies, § 5-2; rat and vermin control, § 12-110 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

13-222 to 13-243 of this chapter which violation creates a serious hazard to the health or safety of the occupants or the public shall be condemned as unfit for continued occupancy and human habitation and shall be so designated and placarded by the director in accordance with the provisions of sections 13-90 through 13-95 of this chapter. (Ch. 17A, § 39, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-90. Notice of violation and intent to condemn.

Whenever the director determines that a dwelling or dwelling unit, rooming house or rooming unit is unfit for continued occupancy as provided herein, he shall include within the notice of violation provided for in section 13-37 of this chapter, a statement of his intent to condemn and placard the dwelling, dwelling unit, rooming house or rooming unit as unfit for continued occupancy and to require it to be vacated if the provisions of the notice of violation are not complied with. A copy of such notice of violation shall be served on the owner, operator and the occupant in the manner provided for in section 13-37 of this chapter. (Ch. 17A, § 40, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-91. Order to vacate.

Whenever a notice of violation as provided for in section 13-90 of this chapter has not been complied with, the director may include within the compliance order, a finding to the effect that the dwelling, dwelling unit, rooming house or rooming unit is unfit for continued occupancy and such finding shall be an order to vacate. Such compliance order shall be served upon the owner, operator and the occupant in the manner provided for in section 13-38 of this chapter and service shall be made at least ten (10) days prior to the effective date of the order to vacate. An appeal from such compliance order may be taken to the housing board of review in the manner provided for in sections 13-58 to 13-77 of this chapter. (Ch. 17A, § 41, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-92. Vacation of unfit premises.

Any dwelling, dwelling unit, rooming house or rooming unit condemned as unfit for continued occupancy shall be so designated and placarded and shall be vacated within such reasonable time as the director may specify in the compliance order. (Ch. 17A, § 42, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-93. Approval required for occupancy after condemnation and placarding.

No dwelling, dwelling unit, rooming house or rooming unit which has been condemned and placarded as unfit for continued occupancy shall again be used for habitation until written approval therefor and for removal of the placard is secured from the director. (Ch. 17A, § 43, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-94. Defacing, removal of condemnation placards.

No person shall deface or remove the placard from any dwelling, dwelling unit, rooming house or rooming unit which has been condemned as unfit for continued occupancy and placarded as such except as provided in section 13-93 of this chapter. (Ch. 17A, § 44, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-95. Vacated premises to be made secure.

The owner of every dwelling, dwelling unit, rooming house or rooming unit which is condemned as unfit for continued occupancy and vacated shall make such dwelling, dwelling unit, rooming house or rooming unit safe and secure in whatever manner the director may deem necessary so that the dwelling, dwelling unit, rooming house or rooming unit shall not be dangerous to human life, and shall not constitute either a fire hazard or a public nuisance. Any such vacant dwelling open at doors or windows, if unguarded, shall be deemed dangerous to human life as a fire hazard and a public nuisance within the meaning of this provision. (Ch. 17A, § 45, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-96. Notice of violation and intent to demolish.

Whenever the director determines that a dwelling or dwelling unit is unfit for human habitation and continued occupancy as provided herein, and that the cost necessary to alleviate the violation is not reasonably related to the value of the dwelling, he shall include within the notice of violation provided for in section 13-37 of this chapter, a statement of his intent to order the demolition of the dwelling; provided however, that the owner at his discretion may repair, alter or improve the dwelling in order to alleviate the violation regardless of whether or not the cost is reasonably related to the value, or may demolish the dwelling at his own expense pursuant to the provisions of section 13-45 of this chapter; and further provided, that the owner alleviate the violation within the time specified in the notice of violation. A copy of such notice shall be served on the owner, occupant, lessee, mortgagee, and all other persons having any interest in said dwelling, as shown by the records of the recorder of deeds, in the manner provided for in section 13-37 of this chapter; provided however, that in the event that any such person is not identified or located, service may be made upon him by publication in a newspaper of general circulation in the city once a week for two (2) successive weeks. For purposes of this section, any repair, alteration, or improvement that is determined by the director to cost more than fifty per cent (50%) of the assessed valuation of the dwelling shall be deemed to be not reasonably related to the value of the dwelling. (Ch. 17A, § 46, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-97. Order to demolish.

Whenever a notice of violation as provided for in section 13-96 of this chapter has not been complied with, the director may include within the compliance order, a finding to the effect that the dwelling is unfit for human habitation and continued occupancy and such finding shall be an order to demolish the dwelling. Such compliance order shall be served upon the owner, occupant, lessee, mortgagee and all other persons having any interest in the dwelling as shown by the records of the recorder of deeds, in the manner provided for in section 13-38 of this chapter; provided however, that in

the event that any such person is not identified or located, service may be made upon him by publication in a newspaper of general circulation in the city once a week for two (2) successive weeks, and service shall be made at least three (3) months prior to the effective date of the demolition provisions of the order. An appeal from such compliance order may be taken to the housing board of review in the manner provided for in sections 13-58 to 13-77 of this chapter. (Ch. 17A, § 47, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-98. Scope of authority of director to make repairs.

Whenever a compliance order to repair, alter or secure a dwelling found by the director to be unfit for human habitation and continued occupancy has not been complied with, the director may, at the expense of the person responsible for alleviating the violation, take such direct action as is necessary to alleviate the violation, if the cost of such action is reasonably related to the value of the dwelling. For the purposes of this section any repair, alteration or securing that is determined by the director to cost fifty per cent (50%) or less of the assessed valuation of the dwelling shall be deemed to be reasonable. The power of the director to repair or alter shall be limited to the alleviation of conditions which affect occupied dwellings or dwelling units. (Ch. 17A, § 48, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-99. Demolition of dwelling at owner's expense.

Whenever a compliance order issued pursuant to the provisions of section 13-97 of this chapter and providing for the demolition of a dwelling has not been complied with, and the cost of repair has been determined by the director to be more than fifty per cent (50%) of the assessed valuation of the dwelling, the director may demolish the dwelling at the expense of the owner. (Ch. 17A, § 49, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-100. Liens and charges for expenses of director.

Whenever the owner fails to comply with an order to repair, alter or improve, or to demolish a dwelling which has been determined to be unfit for human habitation and con-

tinued occupancy, and the director has taken direct action pursuant to the provisions of section 13-98 or 13-99 of this chapter, the costs incurred by him in such action shall be a lien against the real property and such lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. Such lien shall be recorded. If the dwelling is demolished by the director, he may sell the materials of such dwelling and the net cost of the demolition shall be charged to the owner, and if any balance remains, it shall be held for the owner or any other parties entitled thereto; and in every case, the cost of direct action shall be the costs necessary to perform the required work as expeditiously as possible, together with a ten per cent (10%) service charge in addition thereto. (Ch. 17A, § 50, added by Ord. 1956, ch. 1040, § 4)

Sec. 13-101. Relocation of occupants.

Notwithstanding the other provisions of this article, no dwelling shall be vacated or demolished by the director under the powers granted to him by the provisions of this chapter, until persons occupying the dwelling at the time the compliance order is issued have been offered housing accommodations in a decent, safe and sanitary dwelling which meets the requirements of this chapter. (Ch. 17A, § 51, added by Ord. 1956, ch. 1040, § 4)

Secs. 13-102—13-111. Reserved.

Article V. Sanitary Requirements*

Sec. 13-112. Compliance with article required.

No person shall occupy as owner-occupant or permit to be occupied by another any dwelling or dwelling unit which does not comply with the following requirements of this article. (Ch. 17A, § 71, added by Ord. 1956, ch. 1040, § 6)

*Cross references—Building code, amendments preserved, § 5-1; sanitation rules for public lodginghouses, § 12-11; garbage, trash and refuse, § 12-46 et seq.; privies and cesspools, § 12-90 et seq.; rat and vermin control, § 12-110 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

Sec. 13-113. Kitchen sink.

Every dwelling unit shall be supplied with a kitchen sink located in the kitchen or adjacent kitchen pantry and properly connected to an approved water supply and sewerage system, all in good working condition. (Ch. 17A, § 72, added by Ord. 1956, ch. 1040, § 6)

Sec. 13-114. Flush toilet and lavatory basin.

Every dwelling unit shall be supplied within such dwelling unit with a room or compartment which affords privacy to a person therein and which shall be equipped with an approved flush toilet and a lavatory basin properly connected to an approved water supply and sewerage system all in good working condition. (Ch. 17A, § 73, added by Ord. 1956, ch. 1040, § 6)

Sec. 13-115. Bathtub and shower bath.

Every dwelling unit shall have supplied within such dwelling unit a room or compartment which affords privacy to a person therein and which shall be equipped with a bathtub or shower bath properly connected to an approved water supply and sewerage system all in good working condition. (Ch. 17A, § 74, added by Ord. 1956, ch. 1040, § 6)

Sec. 13-116. Hot and cold water connections.

Every kitchen sink, lavatory basin, and bathtub or shower bath required under the provisions of sections 13-113, 13-114 and 13-115 of this chapter shall be properly connected to hot as well as cold water lines. (Ch. 17A, § 75, added by Ord. 1956, ch. 1040, § 6; Ord. 1962, ch. 1514, § 1)

Sec. 13-117. Floor surface of bathroom, toilet room or compartment.

The floor surface of every bathroom and toilet room or compartment shall be constructed of material impervious to water; or if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished in order to make the floor surface reasonably impervious to

water. All such floors shall be kept in a dry, clean and sanitary condition by the occupant. (Ch. 17A, § 76, added by Ord. 1956, ch. 1040, § 6)

Sec. 13-118. Grading and drainage of dwelling premises.

The grading and draining of dwelling premises shall be such that no water shall be allowed to seep into any basement or cellar, or to accumulate or become stagnant therein or on the premises; and no roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge. (Ch. 17A, § 77, added by Ord. 1956, ch. 1040, § 6)

Sec. 13-119. Rubbish storage and disposal facilities.

Every dwelling shall have adequate rubbish storage and disposal facilities or containers, approved as to type and location. (Ch. 17A, § 78, added by Ord. 1956, ch. 1040, § 6)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 13-120. Garbage storage and disposal facilities.

Every dwelling shall have adequate garbage storage and disposal facilities or containers, approved as to type and location. (Ch. 17A, § 79, added by Ord. 1956, ch. 1040, § 6)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Secs. 13-121—13-130. Reserved.

Article VI. Heating and Refrigeration Equipment*

Sec. 13-131. Compliance with article.

No person shall occupy as owner-occupant or permit to be occupied by another any dwelling or dwelling unit which does not comply with the following requirements of this article. (Ch. 17A, § 80, added by Ord. 1956, ch. 1040, § 7)

*Cross reference—Building code, amendments preserved, § 5-1.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

Sec. 13-132. Required heating facilities.

(a) Every dwelling and dwelling unit shall be supplied either with adequate heating facilities or with chimneys or flues sufficient to accommodate facilities for the safe and adequate heating of all habitable rooms, bathrooms and toilet rooms or compartments. Where central heating equipment is not supplied by the owner, heating equipment as herein specified shall be provided by the occupant.

(b) Heating equipment shall be capable of maintaining a minimum air temperature of at least sixty-seven (67) degrees Fahrenheit at three (3) feet above the floor level, in all habitable rooms, bathrooms and toilet rooms or compartments, during an outside air temperature of zero (0) degrees Fahrenheit. Doors, windows and other parts of the dwelling shall be so constructed and maintained as to prevent abnormal heat losses. (Ch. 17A, § 81, added by Ord. 1956, ch. 1040, § 7)

Sec. 13-133. Water-heating facilities.

Every dwelling or dwelling unit shall be supplied with water-heating facilities capable of heating water to permit water at a temperature of not less than one hundred and twenty (120) degrees Fahrenheit to be drawn at every kitchen sink, lavatory basin, bathtub or shower. Such water-heating facilities shall be capable of meeting the requirements of this section whether or not the heating facilities required under the provisions of section 13-132 of this chapter are in operation. (Ch. 17A, § 82, added by Ord. 1956, ch. 1040, § 7; Ord. 1962, ch. 1514, § 1)

Sec. 13-134. Connection of heating equipment to chimneys and flues.

Heating equipment burning solid fuels shall be rigidly connected to a chimney or flue and heating equipment burning liquid or gaseous fuels shall be rigidly connected to a chimney or flue and a supply line. (Ch. 17A, § 83, added by Ord. 1956, ch. 1040, § 7)

Sec. 13-135. Refrigerated storage space.

In every dwelling unit where perishable foods are kept, refrigerated space for their storage shall be provided by the occupant if not supplied by the owner. (Ch. 17A, § 84, added by Ord. 1956, ch. 1040, § 7)

Sec. 13-136. Cooking equipment.

Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be so maintained by the owner thereof. Cooking equipment burning solid fuels shall be rigidly connected to a chimney or flue and cooking equipment burning liquid or gaseous fuels shall be rigidly connected to a supply line. No cooking equipment using such fuels shall be operated in any room used primarily for sleeping purposes. (Ch. 17A, § 85, added by Ord. 1956, ch. 1040, § 7)

Secs. 13-137—13-146. Reserved.

Article VII. Lighting and Ventilation; Electrical Facilities*

Sec. 13-147. Compliance with article required.

No person shall occupy as owner-occupant or permit to be occupied by another, any dwelling or dwelling unit that does not comply with the following requirements of this article. (Ch. 17A, § 86, added by Ord. 1956, ch. 1040, § 8)

Sec. 13-148. Window area.

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum aggregate glass area available for unobstructed light for every habitable room shall be no less than ten per cent (10%) of the floor space of such room. (Ch. 17A, § 87, added by Ord. 1956, ch. 1040, § 8)

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*Cross reference—Building code, amendments preserved, § 5-1.
State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

Sec. 13-149. Effect of light-obstructing structures on required window area.

Whenever walls or other portions of structures face a window of a habitable room in any dwelling and such light-obstructing structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the minimum total window area as required in section 13-148 of this chapter. (Ch. 17A, § 88, added by Ord. 1956, ch. 1040, § 8)

Sec. 13-150. Openable window area.

Every habitable room shall have at least one window or skylight which can easily be opened, or shall have such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least fifty per cent (50%) of the minimum aggregate glass area required in section 13-148 of this chapter, except where some other approved device affording adequate ventilation is supplied. (Ch. 17A, § 89, added by Ord. 1956, ch. 1040, § 8)

Sec. 13-151. Bathroom light and ventilation.

Every bathroom and toilet room or compartment shall comply with the light and ventilation requirements for habitable rooms contained in sections 13-148, 13-149 and 13-150 of this chapter, except that in no case shall the minimum glass area of such window or skylight be less than three (3) square feet; provided that no window or skylight shall be required in any bathroom or toilet compartment equipped with an approved ventilation system. (Ch. 17A, § 90, added by Ord. 1956, ch. 1040, § 8)

Sec. 13-152. Screening of windows, vents, openings.

From the first day of May to the first day of October every opening, except bulkheads, used for ingress or egress from a dwelling or dwelling unit directly to or from outdoor

space shall be supplied with either a self-closing device or self-closing screen door; and every window of every habitable room, bathroom and toilet room or compartment, and every other window or opening from the dwelling or dwelling unit to outdoor space while in use for ventilation shall be equipped with approved screening which shall be provided by the occupant, when not supplied by the owner. (Ch. 17A, § 91, added by Ord. 1956, ch. 1040, § 8)

Sec. 13-153. Basement and cellar ventilation.

Every cellar and basement shall have at least two (2) vents or windows opening directly to the outside air sufficient to prevent mildew or structural deterioration, and properly equipped with approved screening. (Ch. 17A, § 92, added by Ord. 1956, ch. 1040, § 8)

Sec. 13-154. Required electrical fixtures, outlets.

Every habitable room shall be supplied with at least two (2) separate electric convenience outlets, or one such convenience outlet and one separate electric light fixture; and every toilet room or compartment, bathroom, laundry room, furnace room, stairway and communicating corridor shall be supplied with at least one electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be properly connected to the source of electric power. (Ch. 17A, § 93, added by Ord. 1956, ch. 1040, § 8)

Sec. 13-155. Lighting of common halls, stairways.

Every public hall and common stairway used primarily for egress or ingress in connection with two (2) or more dwelling units shall be supplied with a proper amount of natural or electric light at all times; provided that such public halls and common stairways in structures containing not more than three (3) dwelling units shall be deemed to have fulfilled such requirement if they are properly supplied with conveniently located switches, controlling an adequate electric lighting system which may be turned on when needed;

and provided further, that all common stairways not used primarily for egress or ingress in all dwellings shall be properly supplied with such switches. (Ch. 17A, § 94, added by Ord. 1956, ch. 1040, § 8)

Secs. 13-156—13-165. Reserved.

Article VIII. Use and Access of Dwelling Space*

Sec. 13-166. Compliance with article required.

No person shall occupy as owner-occupant or permit to be occupied by another, any dwelling or dwelling unit which does not comply with the following requirements of this article. (Ch. 17A, § 95, added by Ord. 1956, ch. 1040, § 9)

Sec. 13-167. Minimum floor space per occupant.

Every dwelling unit shall contain at least one hundred sixty (160) square feet of floor space for the first occupant, at least one hundred (100) square feet of additional floor space for each of the next two (2) occupants, at least seventy-five (75) square feet of additional floor space for each of the next three (3) occupants, and at least fifty (50) square feet of additional floor space for each occupant thereafter; except that any dwelling unit which is occupied by two (2) or more occupants and which contains a room not intended to be used primarily for cooking or sleeping but which is properly designed and equipped or especially furnished with either an efficiency closet or wall-type kitchen unit or kitchenette, or bed furniture properly designed for daytime storage or other daytime uses so as to be usable for a combination of regular living and efficiency cooking or regular living and efficiency sleeping space may contain one hundred (100) square feet less floor space than would otherwise be required. In every case the floor space shall be calculated on the basis of total habitable room area. (Ch. 17A, § 96, added by Ord. 1956, ch. 1040, § 9)

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*Cross references—Building code, amendments preserved, § 5-1; egress requirements for certain occupancies, § 5-2.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

Sec. 13-168. Minimum sleeping space per occupant.

In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor space for each occupant thereof. (Ch. 17A, § 97, added by Ord. 1956, ch. 1040, § 9)

Sec. 13-169. Minimum ceiling height.

At least one-half (½) of the minimum required floor space of every habitable room shall have a ceiling height of at least seven (7) feet. (Ch. 17A, § 98, added by Ord. 1956, ch. 1040, § 9)

Sec. 13-170. Cellar and basement occupancy.

No cellar or basement shall be occupied as a habitable room or dwelling unit, except as a workshop or recreation room, unless it shall comply with the applicable provisions of the city's building ordinance* as to exits; and unless the floors and walls are impervious to any leakage of underground and surface runoff water and are properly protected against dampness; and unless the minimum window area in each habitable room therein is located above the finished grade of the adjoining ground of the window wall; and unless it shall comply with the provisions of sections 13-148, 13-149 and 13-150 of this chapter, except that the provisions of section 13-150 of this chapter shall not be required if an approved ventilation system is supplied. In no case, however, shall cellar space be used for sleeping purposes. (Ch. 17A, § 99, added by Ord. 1956, ch. 1040, § 9)

Sec. 13-171. Means of egress.

Every dwelling unit shall be provided with approved, safe and unobstructed means of egress, and shall comply with

*Editor's note—The building ordinance is not included in this publication, but is separately published and will be found on file in the office of the city clerk. In this regard, see § 5-1, preserving the building ordinance, as amended, from repeal.

the applicable provisions of the city's building ordinance,* the fire prevention code, and the rules and regulations adopted pursuant thereto. (Ch. 17A, § 100, added by Ord. 1956, ch. 1040, § 9)

Secs. 13-172—13-181. Reserved.

Article IX. Safe and Sanitary Maintenance†

Sec. 13-182. Compliance with article required.

No person shall occupy as owner-occupant or permit to be occupied by another, any dwelling or dwelling unit which does not comply with the following requirements of this article. (Ch. 17A, § 101, added by Ord. 1956, ch. 1040, § 10)

Sec. 13-183. Structural elements.

Every foundation shall adequately support the dwelling structure at all points, shall be free of holes, wide cracks and buckling. Every floor, exterior wall and roof shall be free of holes, wide cracks, and loose, warped, protruding or rotting boards or any other condition which might admit moisture, or rodents, or which might constitute a hazard to health or safety. All exposed surfaces which have been adversely affected by exposure or other cause shall be repaired and coated, treated or sealed so as to protect them from serious deterioration. Every interior wall and ceiling shall be free of holes and large cracks, loose plaster, defective materials or serious damage. Interior walls and all protective materials thereon shall be properly maintained and easily cleanable. (Ch. 17A, § 102, added by Ord. 1956, ch. 1040, § 10)

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*Note—See editor's footnote to § 13-170.

Cross reference—Fire prevention and protection, § 9-1 et seq.

†Cross references—Building code, amendments preserved, § 5-1; rat and vermin control, § 12-110 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

Sec. 13-184. Windows, doors and bulkheads.

Every window, exterior door and bulkhead shall be reasonably weathertight, watertight and rodent proof; and shall be kept in sound working condition and good repair. (Ch. 17A, § 103, added by Ord. 1956, ch. 1040, § 10)

Sec. 13-185. Stairways and porches, appurtenances.

Every inside and outside stairway, every porch, and every appurtenance thereto, shall be constructed and maintained in safe condition and good repair. (Ch. 17A, § 104, added by Ord. 1956, ch. 1040, § 10)

Sec. 13-186. Supplied facilities, equipment.

Every supplied facility, piece of equipment or utility, which is required under the provisions of this chapter, shall be so designed, constructed, and installed according to law that it will function safely and effectively, and shall be maintained in safe and sanitary working condition. (Ch. 17A, § 105, added by Ord. 1956, ch. 1040, § 10)

Sec. 13-187. Plumbing facilities.

Every plumbing fixture, and water supply and sewer line shall be properly installed according to law and maintained in safe and sanitary working condition, free from defects, leaks and obstructions. (Ch. 17A, § 106, added by Ord. 1956, ch. 1040, § 10)

Sec. 13-188. Infestation.

Every dwelling, dwelling unit and all dwelling premises shall be free of infestation and shall comply with the applicable requirements of the rat control provisions. (Ch. 17A, § 107, added by Ord. 1956, ch. 1040, § 10)

Cross reference—Rat control, § 12-110 et seq.

Sec. 13-189. Maintenance of dwelling premises and accessory structures.

All dwelling premises and accessory structures shall be maintained in good repair and sanitary condition. (Ch. 17A, § 108, added by Ord. 1956, ch. 1040, § 10)

Secs. 13-190—13-199. Reserved.

Article X. Responsibilities of Owners, Operators and Occupants*

Sec. 13-200. Applicability of article.

The following provisions of this article shall pertain to the responsibilities of owners, operators and occupants of dwellings and their premises. (Ch. 17A, § 109, added by Ord. 1956, ch. 1040, § 11)

Sec. 13-201. Shift of responsibilities between owner, operator and occupant.

Nothing in this chapter shall prevent an owner, operator or occupant from shifting the responsibility of the one to the other, provided that the primary and final responsibility in every case shall remain upon the person herein designated. (Ch. 17A, § 23, added by Ord. 1956, ch. 1040, § 13)

Sec. 13-202. Maintenance of private spaces by occupant.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and dwelling premises thereof which he occupies and controls. (Ch. 17A, § 110, added by Ord. 1956, ch. 1040, § 11)

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*Cross references—Building code, amendments preserved, § 5-1; rat and vermin control, § 12-110 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

Sec. 13-203. Maintenance of public spaces.

Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwelling and the premises thereof. Occupants of two- and three-family dwellings shall share the responsibility for maintaining in a clean and sanitary condition the common areas of the dwelling and the dwelling premises thereof. (Ch. 17A, § 111, added by Ord. 1956, ch. 1040, § 11)

Sec. 13-204. Provision of disposal facilities.

Every owner of a multiple dwelling shall supply on the premises such rubbish and garbage disposal facilities and storage containers for each dwelling thereon as are required by sections 13-119 and 13-120 of this chapter, and shall maintain such facilities in good repair and sanitary condition, and shall provide for the proper collection and removal of their contents. Occupants of one-, two- and three-family dwellings shall provide for such facilities, containers, maintenance, collection and removal for their own dwelling units. (Ch. 17A, § 112, added by Ord. 1956, ch. 1040, § 11)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 13-205. Manner of waste disposal.

Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the facilities provided as required by sections 13-119, 13-120 and 13-204 of this chapter. (Ch. 17A, § 113, added by Ord. 1956, ch. 1040, § 11)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 13-206. Use of screens by occupant.

Every occupant of a dwelling or dwelling unit shall be responsible for the use of all screens whenever the same are required under the provisions of section 13-152 of this chapter. (Ch. 17A, § 114, added by Ord. 1956, ch. 1040, § 11)

Sec. 13-207. Extermination of rodents, vermin, other pests.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any rodents,

vermin or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested, except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this chapter, extermination shall be the responsibility of the owner. (Ch. 17A, § 115, added by Ord. 1956, ch. 1040, § 11)

Cross reference—Rat and vermin control, § 12-110 et seq.

Sec. 13-208. Maintenance of plumbing and other equipment.

Every occupant of a dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances and equipment therein. (Ch. 17A, § 116, added by Ord. 1956, ch. 1040, § 11)

Sec. 13-209. Discontinuance of utilities, services.

No owner, operator or occupant shall cause any service, facility, equipment or utility, which is required to be supplied by the provisions of this chapter to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit, except for such temporary interruption as may be necessary when actual repairs or alterations are being expeditiously made, or during other temporary emergencies when discontinuance of service as approved by the director. (Ch. 17A, § 117, added by Ord. 1956, ch. 1040, § 11)

Sec. 13-210. Occupancy of vacant units.

No person shall occupy as owner-occupant or permit to be occupied by another, any vacant dwelling or dwelling unit unless or until it is in good repair, clean, sanitary, in habitable condition and in full compliance with all provisions of this chapter and the rules and regulations adopted pursuant thereto. (Ch. 17A, § 118, added by Ord. 1956, ch. 1040, § 11)

Sec. 13-211. Supplied heat from owner, operator.

(a) Every owner or operator of a dwelling who permits to be occupied any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall maintain therein from the first day of October to the first day of May, a minimum air temperature level of not less than sixty-seven (67) degrees Fahrenheit at three (3) feet above floor level during an outside air temperature of zero (0) degrees Fahrenheit or above between the hours of 6:30 a.m. and 11:00 p.m., and not less than sixty (60) degrees Fahrenheit between the hours of 11:00 p.m. and 6:30 a.m. in all habitable rooms, bathrooms, toilet rooms and compartments and communicating corridors; provided that when the outside air temperature drops below zero (0) degrees Fahrenheit, heating facilities shall be so operated as to furnish at least the minimum requirements hereof. Whenever heating facilities are incapable of furnishing the minimum requirements hereof at an outside air temperature of below zero (0) degrees Fahrenheit, they shall be operated to full capacity.

(b) Whenever a dwelling is heated by means of a central heating facility, or other heating apparatus under the control of the owner or operator of the dwelling, such owner or operator in the absence of a written contract or agreement to the contrary, shall be deemed to have contracted, undertaken or bound himself to furnish heat in accordance with the provisions of this section.

(c) The provisions of this section shall not apply where the failure to maintain such an air temperature level is approved by the director because of a general shortage of fuel, or any negligent or malicious act of the occupant, or while repairs are being expeditiously made to the heating equipment, or any cause beyond the control of the owner or operator. (Ch. 17A, § 119, added by Ord. 1956, ch. 1040, § 11)

Secs. 13-212—13-221. Reserved.

Article XI. Rooming Houses*

Sec. 13-222. Compliance with article required.

No person shall operate, or permit to be occupied, a rooming house which does not comply with the following requirements of this article. (Ch. 17A, § 120, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-223. Applicability of sections of chapter.

(a) The provisions of sections 13-134, 13-148, 13-149, 13-150, 13-170, 13-171, 13-188, 13-209, 13-210 and 13-211 of this chapter shall be applicable to each rooming house and rooming unit. For purposes of this article, wherever in the above-enumerated sections, the term "dwelling" is used, it shall be construed to mean "rooming house"; and wherever the term "dwelling unit" is used, it shall be construed to mean "rooming unit".

(b) The provisions of sections 13-118, 13-133, 13-151, 13-153, 13-154, 13-183 through 13-187 and 13-189 of this chapter shall be applicable to each rooming house. For purposes of this article, wherever in the above-enumerated sections, the term "dwelling" is used, it shall be construed to mean "rooming house". (Ch. 17A, § 121, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-224. Occupancy record cards.

When the director determines that a rooming house and each rooming unit therein complies with all the pertinent requirements of this chapter and all rules and regulations adopted pursuant thereto, he shall issue an occupancy record card which shall:

*Cross references—Building code, amendments preserved, § 5-1; egress requirements for certain occupancies, § 5-2; sanitation rules for public lodginghouses, § 12-11; rat and vermin control, § 12-110 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city to enact ordinances relating to minimum standards for dwellings, P.L. 1956, ch. 3715.

(a) Designate the maximum number of persons who may occupy such rooming house and each rooming unit therein;
(b) Designate each rooming unit as a Type A, B or C rooming unit; and
(c) Designate the room number assigned to that unit.

The operator shall display the occupancy record card at all times in a conspicuous place near the main entrance of the rooming house except that in rooming houses having twenty (20) or more rooming units the occupancy record card may be posted at the registration desk. Altering, tampering or removing the occupancy record card from the rooming house is prohibited. The director shall keep a duplicate of the occupancy record card in his files. (Ch. 17A, § 122, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-225. Numbering of rooming units.

The number of each rooming unit as designated on the occupancy record card shall be placed on the outside of the main door to such unit in a plain and conspicuous manner. No two (2) rooming units shall bear the same number. The number and type shall be posted in each such unit and shall not be changed without the written approval of the director. (Ch. 17A, § 123, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-226. Flush toilet and lavatory basin.

Every rooming house shall be supplied with at least one approved flush toilet and lavatory basin properly connected to an approved water supply and sewerage system and in good working condition for each eight (8) persons or fraction thereof, residing within a rooming house. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included; but occupants of any rooming units that are otherwise provided with an approved flush toilet and lavatory basin shall be excluded. All such sanitary facilities shall be so located within the rooming house as to be directly accessible to all persons sharing such facilities without entering another rooming unit or dwelling unit and shall be contained within a room

or compartment which affords privacy to a person within such room or compartment. No such required sanitary facilities shall be located in a cellar. Sanitary facilities located in the basement may be included in the required number of said facilities whenever a majority of rooming units serviced by such facilities are located in the basement, but not otherwise. (Ch. 17A, § 124, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-227. Bathtub and shower bath.

Every rooming house shall be supplied with at least one bathtub or shower bath properly connected to an approved water supply and sewerage system, and in good working condition for each eight (8) persons or fraction thereof, residing within a rooming house. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included; but occupants of any rooming units who are otherwise provided with an approved bathtub or shower bath shall be excluded. All such sanitary facilities shall be so located within the rooming house as to be directly accessible to all persons sharing such facilities without entering another rooming unit or dwelling unit and shall be contained within a room or compartment which affords privacy to a person within such room or compartment. No such required sanitary facilities shall be located in a cellar. Sanitary facilities located in the basement may be included in the required number of said facilities whenever a majority of rooming units serviced by such facilities are located in the basement, but not otherwise. (Ch. 17A, § 125, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-228. Hot water.

Every kitchen sink, lavatory basin and bathtub or shower bath in a rooming house shall be supplied with hot and cold water at all times. (Ch. 17A, § 126, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-229. Impervious flooring.

The floor surface of every bathroom, toilet room or compartment and bathroom in a rooming house shall be con-

structed of material impervious to water; or if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water. All such floors shall be kept in a dry, clean and sanitary condition by the operator. (Ch. 17A, § 127, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-230. Rubbish and garbage storage and disposal.

The operator of a rooming house or rooming unit shall be responsible for the supply, maintenance and cleanliness of adequate and separate rubbish and garbage storage containers approved as to type and location. The occupant of a rooming house or rooming unit shall be responsible for the removal of all rubbish and garbage from the rooming unit and the storage of such waste in a clean and sanitary manner by placing it in the required containers. (Ch. 17A, § 128, added by Ord. 1956, ch. 1040, § 12)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 13-231. Heating facilities.

Every rooming house and rooming unit shall be supplied either with adequate heating facilities or with chimneys or flues sufficient to accommodate facilities for the safe and adequate heating of all habitable rooms, bathrooms and toilet rooms or compartments. Where central heating equipment is not supplied by the owner, heating equipment as herein specified shall be provided by the operator. Heating equipment shall be capable of maintaining a minimum air temperature of at least sixty-seven (67) degrees Fahrenheit at three (3) feet above the floor level, in all habitable rooms, bathrooms and toilet rooms or compartments, during an outside air temperature of zero (0) degrees Fahrenheit. Doors, windows and other parts of the rooming house shall be so constructed and maintained by the owner as to prevent abnormal heat losses. (Ch. 17A, § 129, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-232. Lighting of public halls, stairways.

Every public hall and common stairway used primarily for egress or ingress in every rooming house shall be supplied

with a proper amount of natural or electric light at all times; all common stairways not used primarily for egress or ingress in all rooming houses shall be properly supplied with conveniently located switches controlling an adequate electric lighting system which may be turned on when needed. (Ch. 17A, § 130, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-233. Shades, similar devices for windows.

The operator of a rooming house shall supply every window of every habitable room, bathroom and toilet room or compartment with shades or other devices or materials which will afford privacy to the occupant. (Ch. 17A, § 131, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-234. Screening of windows, other openings.

From the first day of May to the first day of October every opening, except bulkheads, used for ingress or egress from a rooming house or rooming unit directly to or from outdoor space shall be supplied with either a self-closing device or self-closing screen door and every window of every habitable room, bathroom and toilet room or compartment and every other window or opening below the sixth floor of the rooming house or rooming unit to outdoor space while in use for ventilation shall be supplied with approved screening by the operator. (Ch. 17A, § 132, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-235. Bed linens and towels.

The operator of a rooming house or rooming unit shall supply clean bed linens and towels at least once a week, and prior to the letting of any rooming unit unless the occupant supplies such bed linen and towels himself. (Ch. 17A, § 133, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-236. Clean and sanitary maintenance of premises.

The operator of a rooming house or rooming unit shall be responsible for the clean and sanitary maintenance of all walls, floors and ceilings in every rooming unit and other

parts of the rooming house including the community kitchen or kitchens and the common areas of the rooming house. (Ch. 17A, § 134, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-237. Extermination of rodents, vermin, other pests.

The operator of a rooming house or rooming unit shall be responsible for the extermination of rodents, vermin or other pests within every portion of the rooming house and any portion of the dwelling or structure that is leased or occupied by him; provided however, that whenever infestation also occurs in any other portion of the dwelling or structure, or whenever infestation is caused by failure of the owner to carry out the provisions of this chapter, extermination shall be the responsibility of the owner. (Ch. 17A, § 135, added by Ord. 1956, ch. 1040, § 12)

Cross reference—Rat and vermin control, § 12-110 et seq.

Sec. 13-238. Care, cleanliness, maintenance of plumbing and equipment.

The operator of a rooming house or rooming unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances and equipment. The owner of the plumbing fixtures, sanitary facilities, appliances and equipment shall be responsible for the maintenance thereof. (Ch. 17A, § 136, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-239. Maximum occupancy in Type A units.

Occupancy in Type A rooming units shall not exceed two (2) persons. (Ch. 17A, § 137, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-240. Minimum sleeping space per occupant.

Every room in any rooming unit occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor space for each occupant

thereof; provided that in Type A rooming units consisting of only one room, the minimum floor space shall be one hundred twenty (120) square feet for the first occupant and fifty (50) additional square feet for the second occupant thereof. (Ch. 17A, § 138, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-241. Kitchen in Type A unit.

In Type A rooming units consisting of two (2) rooms, one room containing a minimum of sixty (60) square feet of floor space shall be supplied with an adequate and approved cooking stove, kitchen sink and refrigerated storage space; provided that if sleeping is permitted in the kitchen, the minimum floor space shall be one hundred twenty (120) square feet for the first occupant and fifty (50) additional square feet for the second occupant thereof. Type A rooming units consisting of one room shall contain an adequate and approved cooking stove, kitchen sink and refrigerated storage space. Cooking equipment burning solid fuel shall be rigidly connected to a chimney or flue and cooking equipment burning liquid or gaseous fuel shall be rigidly connected to a supply line. Cooking equipment of any type using such fuels shall not be permitted in any room used for sleeping purposes. (Ch. 17A, § 139, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-242. Communal kitchen for Type B rooming units.

(a) Every communal kitchen servicing a Type B rooming unit shall have adequate and approved floor space, shall be accessible to each person entitled to the use thereof, without going outside of the rooming house and without entering another dwelling unit or rooming unit; and shall be supplied by the operator with the following adequate and approved facilities:

(1) One kitchen stove for each eight (8) Type B rooming units, or fraction thereof;

(2) One kitchen sink for each eight (8) Type B rooming units, or fraction thereof;

(3) Refrigerated storage space for each Type B rooming unit. Where ice is used for the purpose of cooling, it

shall be supplied by the operator and every icebox drain shall be properly connected to an approved sewerage system;

(4) One kitchen table or other working surface for each kitchen stove;

(5) One insect and vermin proof cabinet suitable for storage of nonperishable food and eating and cooking utensils for each Type B rooming unit.

(b) Every kitchen sink in a communal kitchen shall be supplied by the operator with hot water at all times and at a minimum temperature of one hundred and twenty (120) degrees Fahrenheit. (Ch. 17A, § 140, added by Ord. 1956, ch. 1040, § 12)

Sec. 13-243. Cooking prohibited in Type B and Type C rooming units.

Cooking and cooking equipment shall be prohibited in every Type B and Type C rooming unit. The operator thereof shall post notice of this provision in every such unit. (Ch. 17A, § 141, added by Ord. 1956, ch. 1040, § 12)

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Chapter 14

LICENSES*

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Sec. 14-24. Out-of-state assistants to obtain city permit, post bond, pay prescribed fee.
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Sec. 14-26. Written notice of sale to be given.
Sec. 14-27. Seller to have been in business in city, not to have sold at auction within one year.
Sec. 14-28. Inspection of premises.

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*Charter references—Powers of city, § 2.1 et seq.; bureau of licenses, § 5.35 et seq.; finances, § 6.1 et seq.

Cross references—Duty, authority, etc., of superintendent of vehicles as to vehicles required to be licensed, § 2-220 et seq.; distribution of handbills, etc., § 3-1 et seq.; convalescent and nursing homes and similar establishments, § 5-13 et seq.; licensing manufacture of explosives and inflammables, § 9-54 et seq.; storage, § 9-57 et seq.; blasting permits, § 9-74 et seq.; food and food handlers, § 10-1 et seq.; food establishments, § 10-21 et seq.; milk and milk products, § 10-49 et seq.; frozen desserts, § 10-72 et seq.; slaughtering of poultry, § 10-104 et seq.; licensing transport of garbage and wastes, § 12-65 et seq.; licensing removal of swill, offal, § 12-71 et seq.; licensing persons in business of cleaning cesspools and privies, § 12-91 et seq.; housing code provisions pertaining to rooming houses, § 13-222 et seq.; licensing persons in business of storing dismantled, junked or abandoned vehicles, § 15-38; selling goods in parks, § 18-12; railroads regulated, § 19-1 et seq.; contracts, purchases and sales by and for city, § 21-26 et seq.; licensing persons in construction and repair of sidewalks, § 23-60 et seq.; vehicles for hire, § 24-1 et seq.; weighing, measuring loads, vehicles, merchandise, etc., § 26-7 et seq.

State law references—Special act authorizing city council to establish system of fees for granting or issuing licenses and permits, P.L. 1922, ch. 2241; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

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Article I. In General

Sec. 14-1. Closing hours for commercial establishments.

(a) *Generally.* No shops, stores, or other places of trade or entertainment shall be kept open between 1:00 a.m. and 4:00 a.m., except as hereinafter provided.

(b) *Licensing exceptions.* Licensed taverns, drugstores, hotels, motels, gasoline stations, self-service laundries, restaurants, and such other businesses as may be approved by the bureau of licenses, may keep open between the hours of 1:00 a.m. and 4:00 a.m., provided that a license therefor has been obtained from the bureau of licenses, and further provided that the operation of said businesses between said hours shall not cause or create a nuisance, or disturb or cause the disturbance of the peace and quiet of the neighborhood in which said businesses are located.

(c) *Fee for license.* The fee for permission to operate any one of the aforesaid businesses between the aforesaid hours

shall be ten dollars ($10.00) per annum payable to the bureau of licenses on or before the issuance thereof and annually thereafter.

(d) *Rules, regulations applicable.* The bureau of licenses may establish rules and regulations governing nighttime operations of businesses licensed by it as aforesaid in order to avoid nuisances and disturbances of the peace.

(e) *Suspension, revocation of license.* The bureau of licenses may for good cause, and after reasonable notice and opportunity to be heard, suspend or revoke any license issued by it as aforesaid.

(f) *Responsibility for violation.* Every keeper of any shop, store or place of trade or entertainment, which shall be opened, or in which any article shall be sold, and every person opening any shop, store or place of trade or entertainment or selling any article contrary to the provisions of this section, shall be deemed guilty of a violation of this section. (Ord. 1931, ch. 800, §§ 1, 2; Rev. Ords. 1946, ch. 23, § 16; Ord. 1966, ch. 1801, § 1)

Sec. 14-2. Coupon sales—Regulated generally.

Any person engaged in the business of offering for sale within the city merchandise under a contract, the terms of which provide that the title to or possession of such merchandise shall not pass to the vendee until coupons or similar devices referred to in said contract are sold and until the vendee thereof enters into a similar contract with said person, shall be subject to the provisions of this section and sections 14-3 and 14-4; and it shall be immaterial if said contract provides that it shall be optional with said purchaser or vendee either to sell such coupon or device or to pay the balance due on the purchase price of the merchandise. (Ord. 1926, ch. 506, §§ 1—4; Rev. Ords. 1946, ch. 23, § 22)

Sec. 14-3. Same—License, bond required.

(a) Before any such person shall engage in the business described in section 14-2, said person shall first obtain a license therefor from the department of public safety and

execute and deliver to the city treasurer a good and sufficient bond with some surety company as surety to be approved by the department of public safety of the city in the sum of ten thousand dollars ($10,000.00) to secure the performance of any and all contracts for the sale of merchandise as described in section 14-2. Said bond shall be made payable to the city but shall be for the benefit of any and all persons who may or shall suffer any damage, loss or injury by reason of the breach of any contract or contracts for the sale of merchandise included within the provisions hereof.

(b) No license shall be issued until said bond is executed and delivered as hereinbefore set forth. (Ord. 1926, ch. 506, §§ 1—4; Rev. Ords. 1946, ch. 23, § 22)

Sec. 14-4. Same—Fee for license.

The fee for the license required in section 14-3 shall be fifty dollars ($50.00), which sum shall be paid in advance of issuance of the license. (Ord. 1926, ch. 506, §§ 1—4; Rev. Ords. 1946, ch. 23, § 22)

Sec. 14-5. Same—Duration of license; prorating.

The license required in section 14-3 shall continue in effect for one year from the date of its issuance, and shall not be prorated. (Ord. 1926, ch. 506, §§ 1—4; Rev. Ords. 1946, ch. 23, § 22)

Sec. 14-6. Laundry and dry-cleaning establishments—Duty to report identification marks.

Each person conducting a laundry or dry-cleaning establishment, or offering as an independent contractor the services of such an establishment, shall report to the commissioner of public safety for the city, on forms supplied by the commissioner, the type and style of laundry or dry-cleaning identification marks which are attached to or stamped on or written upon garments processed by such establishment when returned to the customer. Such report shall be accompanied by actual samples of the identification markings used. Each

such person shall make such report immediately upon entering the business of laundry or dry cleaning. Any change in identification marking systems, either by eliminating such marking or changing the system of identification marking used, shall be reported to the commissioner immediately. (Ch. 23, § 3.2, added by Ord. 1954, ch. 911, § 1)

State law reference—Special act authorizing city to require these reports, P.L. 1954, ch. 3376.

Sec. 14-7. Same—Duty to preserve customer records.

Each laundry, dry-cleaning establishment or independent contractor offering such services shall retain customer records for a period of not less than six (6) months from the time garments are delivered to the customer. (Ch. 23, § 3.2, added by Ord. 1954, ch. 911, § 1)

Sec. 14-8. Petroleum products; permit fees for bulk storage.

Any person or other legal entity storing petroleum products in bulk shall pay to the bureau of licenses of the city the following annual fees for permits granted by the city council:

(a) For premises with a storage capacity of 1 to 250 gallons	No fees
(b) For premises with a storage capacity of 251 to 21,000 gallons	$ 10.00
(c) For premises with a storage capacity of 21,001 to 50,000 gallons	50.00
(d) For premises with a storage capacity of 50,001 to 100,000 gallons	150.00
(e) For premises with a storage capacity of 100,001 to 1,000,000 gallons	250.00
(f) For premises with a storage capacity of 1,000,001 to 5,000,000 gallons	500.00
(g) For premises with a storage capacity of 5,000,001 gallons or over	1,000.00
(h) Transfer of licenses, each	5.00

(i) Products stored for own consumption and not for resale ..... No fees

(Ch. 2, § 200, added by Ord. 1957, ch. 1137, § 1; Ord. 1962, ch. 1461, § 1)

Cross reference—Explosives and inflammables, § 9-54 et seq.

Sec. 14-9. Ringing bells for sales.

No person shall ring or cause to be rung any bell, or use or cause to be used any horn or other instrument, for the purpose of giving notice of any public sale or auction, or of the exercise of any business or calling, or for the sale of any article. (Ord. 1914, ch. 4, § 1; Rev. Ords. 1946, ch. 23, § 10)

Cross references—Noise prohibited generally, § 16-10; sounding of signal device from vehicle, § 16-11; sounding horn or signal device for unnecessary period, § 16-12.

Sec. 14-10. Soliciting in entrances and hallways of buildings.

No person shall stand in or upon any highway or in the entrance or hallway of any building in the city for the purpose of calling the attention of any person in the highway to goods, wares or merchandise displayed or on sale or to business conducted within any building. (Ord. 1929, ch. 716, § 1; Rev. Ords. 1946, ch. 3, § 2)

Sec. 14-11. Soliciting for railroads and watercraft.

Except as otherwise provided, no person shall solicit any passenger for any railroad company or for any watercraft or for transportation upon any railroad or watercraft, in any of the streets, highways or public places within the city. (Ord. 1914, ch. 30, § 13; Rev. Ords. 1946, ch. 3, § 3)

Cross reference—Railroads generally, § 19-1 et seq.

Sec. 14-12. Uniforms and badges of examiners or inspectors of private corporation.

Every person in the employ of any private corporation whose duty it shall be to visit private residences, buildings or premises for the purpose of making any examination or inspection, shall wear while making every such visit a uni-

form or a suitable badge or other distinguishing mark indicating his employment and authority. (Ord. 1926, ch. 504, § 3; Rev. Ords. 1946, ch. 2, § 174)

Secs. 14-13—14-19. Reserved.

Article II. Auctions and Auctioneers*

Sec. 14-20. Election of auctioneer.

The city council shall elect on the first Monday in January, quadrennially, commencing A.D. 1967, one or more auctioneers. (Ord. 1966, ch. 1802, § 1)

Sec. 14-21. Fee for license and commission.

The fee for license and commission as auctioneer is hereby established and fixed in the amount of two hundred dollars ($200.00). (Ord. 1966, ch. 1802, § 2)

Sec. 14-22. Record book to be kept.

(a) Each and every auctioneer now or hereafter elected or appointed and qualified in and for the city shall keep in a proper book a full and complete record in ink, and in the English language, of the following facts concerning any and all articles, goods, wares, merchandise or other personal property received or purchased by him for sale at public auction or sold by him at public auction:

(1) A description of every article and of all goods, wares, merchandise or other personal property so received, purchased or sold.

(2) The full name and residence of the persons from whom any of the same was received or purchased, or for whom any of the same was sold.

(3) The full name and residence of each person to whom any of the same was sold.

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*Charter reference—Bureau of licenses, § 5.35 et seq.

State law references—Auctioneers generally, chs. 44-21, 45-17, Gen. Laws 1956; power of city council to make regulations in addition to state provisions, § 45-17-9, Gen. Laws 1956.

(4) The place and date of the receipt of purchase and of the sale of any of the same.
(5) The price at which any of the same was sold.

(b) Said record book of any such auctioneer shall be subject to inspection and examination by the chief, deputy chief, chief of inspectors or any captain of police of the city, or any person authorized by any of the same at any reasonable hour.

(c) A copy of said record shall be furnished by the auctioneer after public auction to any person or persons for whom goods, wares, merchandise or other personal property was sold. (Ord. 1914, ch. 2, § 2; Rev. Ords. 1946, ch. 5, § 2; Ord. 1956, ch. 1008, § 1)

Sec. 14-23. Assistants must be duly elected, appointed and qualified.

Except as may be now or hereafter at any time otherwise provided by the laws of the state, or as especially authorized and empowered by some court of competent jurisdiction, no person, other than an auctioneer duly elected or appointed and qualified in and for the city, or some other town in this state, or a citizen of the city, or any auctioneer or representative of a firm of auctioneers resident or located in another state and duly licensed as an auctioneer by said state or any city or town therein shall act under any auctioneer in and for said city as an assistant, to cry the property to be sold or receive bids at any auction sale held in said city. (Ord. 1914, ch. 2, § 1; Rev. Ords. 1946, ch. 5, § 1; Ord. 1949, ch. 253, § 1)

Sec. 14-24. Out-of-state assistants to obtain city permit, post bond, pay prescribed fee.

Any out-of-state auctioneers, before entering upon his duties as an assistant, as provided in section 14-23, shall obtain from the city clerk a permit therefor. Said permit shall not be issued unless a bond, in the sum of five thousand dollars ($5,000.00), with corporate surety and approved as to form by the city solicitor is on file in the office of the

city clerk. A fee at the rate of fifty dollars ($50.00) for each day in which said assistant shall expect to act as such shall be paid at the time of issuing each permit. No such out-of-state auctioneer shall act as such assistant on any day unless the fee therefor has been paid. (Ch. 5, § 1.1, added by Ord. 1949, ch. 253, § 2)

Sec. 14-25. Auction sales not to continue more than ten days.

No auctioneer shall conduct any auction sale which shall continue more than ten (10) days from the day of beginning of said sale. (Ord. 1930, ch. 791, § 1; Rev. Ords. 1946, ch. 5, § 6)

Sec. 14-26. Written notice of sale to be given.

No auctioneer shall conduct any auction sale without first giving the city clerk, in writing, at least five (5) days before said sale, the following information: The name of the owner of the merchandise to be sold and his address; the location, the date and time of day of said sale; the name and address of the auctioneer; and a general description of merchandise to be auctioned. (Ch. 5, § 9, added by Ord. 1961, ch. 1405, § 1)

Sec. 14-27. Seller to have been in business in city, not to have sold at auction within one year.

No auctioneer shall hold any auction for a person who has not been in business continuously in the city at the same location at which said auction is contemplated for the period of one year immediately preceding said auction, nor shall he conduct any auction for a person who has sold property at auction in the city during the period of one year immediately preceding the contemplated auction. (Ord. 1930, ch. 791, § 1; Rev. Ords. 1946, ch. 5, § 5)

Sec. 14-28. Inspection of premises.

The place of business of every auctioneer doing business pursuant to the provisions of this article shall be subject to inspection and examination by the chief, deputy chief, chief of inspectors, or any captain of police of the city, or by any

other person authorized by any of the same, at any reasonable hour. (Ord. 1914, ch. 2, § 2; Rev. Ords. 1946, ch. 5, § 2(6))

Sec. 14-29. Prohibited hours of sales.

No auctioneer shall hold any auction before the hour of 9:00 a.m. or after 6:00 p.m. (Ord. 1930, ch. 791, § 1; Rev. Ords. 1946, ch. 5, § 4)

Sec. 14-30. False representations and substitutions.

No auctioneer shall make any false representation as to the character, quality, condition, value, or present or previous ownership of any property offered for sale, nor shall he substitute any other article for an article sold. (Ord. 1930, ch. 791, § 1; Rev. Ords. 1946, ch. 5, § 3)

Sec. 14-31. Cappers.

No person shall act as an accomplice or capper for the purpose of making mock bids at any auction. (Ord. 1930, ch. 791, § 1; Rev. Ords. 1946, ch. 5, § 7)

Sec. 14-32. Certain sales exempted.

The limitations contained in this article as to the times and duration of auction sales and the persons for whom auctions may be held, shall not apply to auction sales of real estate, livestock, perishable fruits and products, farming tools and implements, nor to the selling of eggs and poultry at auction within the city under the supervision of the bureau of markets and the Department of Agriculture and Conservation of the state. Said provisions shall also not apply to the sale of goods, wares and merchandise in job lots or at wholesale, nor to receivers' or other judicial sales, sales by executors or administrators, by assignees under assignments for the benefit of creditors, by lienors or by public officers in the manner prescribed by law, nor to auction sales of used household furniture and effects purchased from or sold on account of a householder who has actually used such furniture and effects in his household in the city. (Ord. 1930, ch. 791, § 1; Ord. 1936, ch. 930, § 1; Rev. Ords. 1946, ch. 5, § 8)

Secs. 14-33—14-42. Reserved.

Article III. Bootblacks and Newsboys*

Sec. 14-43. Permit required.

No person known as a bootblack or as a newsboy shall ply his trade or business in any of the streets, avenues or other public places in the city without a permit from the bureau of licenses, issued as hereinafter provided. (Rules of Bd. of Ald., ch. 2, r. 1; Rev. Ords. 1946, ch. 19, § 11)

Sec. 14-44. Prerequisites to issuance of permit.

No permit hereunder shall be issued to a bootblack or newsboy until the parent or guardian of the applicant for such permit, if the applicant is a minor, or some other person approved by the chief of police, if the applicant is an adult, shall give to the chief of police satisfactory assurance of the good character of such applicant. (Rules of Bd. of Ald., ch. 2, r. 2; Rev. Ords. 1946, ch. 19, § 12)

Sec. 14-45. Issuance of permits to persons over sixteen years of age.

The bureau of licenses is hereby authorized to grant permits in writing to bootblacks and newsboys over the age of sixteen (16) years to ply their trade or business in the streets, avenues and other public places of the city. (Rules of Bd. of Ald., ch. 2, r. 2; Rev. Ords. 1946, ch. 19, § 12)

Sec. 14-46. Issuance of permits to persons not over sixteen years of age.

The truant officer is hereby authorized to grant permits in writing to bootblacks and newsboys not exceeding the age of sixteen (16) years, to ply their trade or business in the streets, avenues and other public places of the city.

State law reference—By virtue of P.L. 1915, c. 1264, the truant officer issues permits for children sixteen and under.

***Charter reference**—Bureau of licenses, § 5.35 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city council to establish system of fees for granting or issuing licenses or permits, P.L. 1922, ch. 2241.

Sec. 14-47. Renewal of permit.

All permits granted under this article shall be renewed annually. (Rules of Bd. of Ald., ch. 2, r. 2; Rev. Ords. 1946, ch. 19, § 13)

Sec. 14-48. Badges.

The bureau of licenses shall deliver to each person receiving a permit, a numbered badge made of metal. Said badge shall be and remain the property of the city, and the person receiving the same shall return the same, or cause the same to be returned, to the bureau of licenses at the expiration of the time for which said permit was granted, or at the time of the revocation of said permit, if sooner revoked. (Rules of Bd. of Ald., ch. 2, r. 3; Rev. Ords. 1946, ch. 19, § 14)

Sec. 14-49. Deposit for badge.

A deposit of fifty cents ($.50) shall be made upon the issue of a badge to the holder of a permit hereunder, which deposit shall be returned when the badge is surrendered or the permit is revoked. (Rules of Bd. of Ald., ch. 2, r. 4; Rev. Ords. 1946, ch. 19, § 15)

Sec. 14-50. Badge to be worn.

Each person to whom a badge is issued under section 14-48 shall, while plying his trade or business, wear said badge on the front of his hat or cap in such manner that said badge may be plainly seen. (Rules of Bd. of Ald., ch. 2, r. 4; Rev. Ords. 1946, ch. 19, § 15)

Sec. 14-51. Record of permits, badges to be kept.

The bureau of licenses shall endorse the number of the badge issued hereunder upon the permit issued hereunder, and shall keep a correct record of the name of each person to whom a permit is granted, together with his place of residence, the trade or business to be pursued under said permit, and the number of the badge delivered to the permit holder. (Rules of Bd. of Ald., ch. 2, r. 3; Rev. Ords. 1946, ch. 19, § 14)

Sec. 14-52. Revocation of permit.

The bureau of licenses may in its discretion at any time revoke any permit granted as provided herein; and it shall be deemed sufficient cause for such revocation, that the person whose permit is revoked has been guilty of using indecent or profane language, or of violating any existing rule for regulating or restraining bootblacks or newsboys, or of committing any act of a disorderly or dishonest nature. (Rules of Bd. of Ald., ch. 2, r. 5; Rev. Ords. 1946, ch. 19, § 16)

Sec. 14-53. Noise prohibited.

It shall be unlawful for any newsboy to hawk or make any noise on any street or other public place in the city on Sunday for the purpose of selling any newspaper or other article. (Rules of Bd. of Ald., ch. 2, r. 7; Rev. Ords. 1946, ch. 19, § 17)

Cross reference—Noise prohibited, § 16-10 et seq.

Secs. 14-54—14-63. Reserved.

Article IV. Commercial Parking Lots*

Sec. 14-64. License required.

It shall be unlawful for any person to maintain or conduct a commercial parking lot, herein referred to as an automobile parking place within the limits of the city unless he first shall have obtained a license therefor from the bureau of licenses, said license to be issued after due application and payment of the prescribed fee therefor.

Sec. 14-65. Signs required.

Every person maintaining or conducting an automobile parking place within the limits of the city shall maintain at each entrance to such automobile place, a permanently affixed

*Charter reference—Bureau of licenses, § 5.35 et seq.

State law references—Special act authorizing city to provide off-street parking facilities, P.L. 1950, ch. 2514; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; regulation of motor and other vehicles, Title 31, Gen. Laws 1956.

sign suitable to apprise persons using such automobile parking place with the information set out in this article. (Ch. 23A, § 1, added by Ord. 1946, ch. 1546, § 1)

Sec. 14-66. Owner's name and rates must be shown.

The name of the owner of an automobile parking place, the hours of the day or night during which such place is open for storing motor vehicles, the rates charged for parking and the closing hour of such place must be shown. (Ch. 23A, § 2, added by Ord. 1946, ch. 1546, § 1)

Sec. 14-67. Size of figures showing rates, hours.

Where more than one rate is charged for parking in a parking place regulated herein, the figures for each rate shall be of the same size and dimensions, and such figures shall measure not less than six inches in height, and the letters and figures indicating the closing hours shall be not less than six inches in height. (Ch. 23A, § 3, added by Ord. 1946, ch. 1546, § 1)

Sec. 14-68. Day and night rates.

Where separate rates or charges are made by parking places regulated herein for day parking and night parking, notice thereof shall be posted on the signs described in this article. (Ch. 23A, § 4, added by Ord. 1946, ch. 1546, § 1)

Sec. 14-69. Protection barriers to be erected on lots adjacent to dangerous conditions.

Any person operating an automobile parking place as defined in section 2 of Chapter 834 of the 1940 Public Laws of the state, which abuts upon or is adjacent to a body of water such as a waterway, harbor, river, lake, pond or the like, or to an embankment wherein the grade changes so abruptly as to cause a dangerous condition to exist, shall erect and maintain barriers of such type and construction as shall be determined by the inspector of buildings to protect the users of such lot. (Ch. 23A, § 5, added by Ord. 1949, ch. 234, § 1)

Sec. 14-70. Plans for protection barriers to be approved by inspector of buildings; permit to be issued.

Before protection barriers, as provided in section 14-69, shall be erected, plans detailing the type and manner of construction of said barriers shall be filed with the inspector of buildings who shall issue a permit if the plans are approved by him. (Ch. 23A, § 6, added by Ord. 1949, ch. 234, § 2)

Sec. 14-71. Inspection, alterations and repairs of protection barriers.

It shall be the duty of the inspector of buildings or his duly authorized assistants to inspect all protection barriers required herein at least once annually. The inspector of buildings shall order such repairs, alterations and/or replacements as may be deemed necessary to accomplish the purpose of sections 14-69 to 14-73 of this article. (Ch. 23A, § 7, added by Ord. 1949, ch. 234, § 4)

Sec. 14-72. Date of completion of protection barriers.

All barriers required under the terms of sections 14-69 to 14-73 of this chapter shall be erected and completed not later than thirty (30) days after commencement of operations for which such barriers are required. (Ch. 23A, § 9, added by Ord. 1949, ch. 234, § 3)

Sec. 14-73. Suspension and revocation of license.

Upon receiving notice, in writing, from the inspector of buildings to the effect that any licensee of an "automobile parking place" has failed to comply with the provisions of sections 14-69 to 14-73 of this article, the commissioner of public safety may suspend or revoke the license issued to such licensee. (Ch. 23A, § 8, added by Ord. 1949, ch. 234, § 5)

Sec. 14-74. Report of vehicle left on premises more than twenty-four hours.

Every person engaged in the business of parking motor vehicles on any lot within the city shall report to the commissioner of public safety of the city any motor vehicle left on

the premises for more than twenty-four (24) hours continuously, within six (6) hours of the expiration of said twenty-four (24) hour period, giving the registration number of said motor vehicle and any other information which said department may require. (Ord. 1938, ch. 955, § 1; Rev. Ords. 1946, ch. 23, § 9)

Cross references—Impoundment of vehicles, § 15-18 et seq.; storage of dismantled, junked or abandoned vehicles, § 15-36 et seq.

Secs. 14-75—14-84. Reserved.

Article V. Engineers and Boiler Operators*

Sec. 14-85. Scope of authority of public service engineer.

The public service engineer is hereby authorized and empowered to examine and license engineers and boiler operators other than hoisting engineers, under such suitable rules and regulations as he shall make. He shall cause all rules and regulations so made by him to be issued in printed form. (Ord. 1943, ch. 1196, § 1; Rev. Ords. 1946, ch. 10, § 1)

Cross reference—Public service engineer, § 2-233 et seq.

Sec. 14-86. Employment, function of chief examiner.

The public service engineer shall employ under his supervision a chief examiner to carry out the provisions of this article. Such examiner shall be a practical steam engineer of not less than five (5) years' experience. (Ord. 1943, ch. 1196, § 1; Rev. Ords. 1946, ch. 10, § 2)

Sec. 14-87. License required before operation; definition of boiler horsepower.

No person shall operate or be in direct charge of a stationary steam engine or stationary steam boiler of more than thirty (30) horsepower, or refrigerating machinery of more than fifteen (15) tons' capacity, without obtaining a license

*Charter reference—Bureau of licenses, § 5.35 et seq.
Cross reference—Public service engineer, § 2-233.
State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act relating to examining and licensing of engineers and boiler operators, P.L. 1943, c. 1364.

as provided in this article. A boiler horsepower, as used in this section, shall mean ten (10) square feet of boiler heating surface. (Ord. 1943, ch. 1196, § 2; Rev. Ords. 1946, ch. 10, § 3)

Sec. 14-88. Operation without license prohibited.

No owner or user, or agent of an owner or user, of any such steam boiler or engine, shall permit it to be operated unless it is directly in charge of or operated by a duly licensed person as hereinafter provided in this chapter. (Ord. 1943, ch. 1196, § 2; Rev. Ords. 1946, ch. 10, § 4)

Sec. 14-89. Examination of applicants for licenses.

Each person who desires to act as a steam or refrigerating engineer or boiler operator in the city, shall make application to the public service engineer upon a form to be furnished by said engineer, and shall pass an examination in the construction and operation of steam boilers, steam pumps, boiler accessories and appliances and in the subject of hydraulics. The examination shall be conducted under rules and regulations to be provided and issued by the public service engineer. The public service engineer may administer oaths or affirmations to anyone whenever the same is made necessary by rules and regulations adopted. (Ord. 1943, ch. 1196, § 3; Rev. Ords. 1946, ch. 10, § 5)

Sec. 14-90. Issuance of license.

If, upon examination, the applicant for an engine or boiler operator's license is found proficient in such subjects as may be required by the public service engineer, a license shall be granted him to be in direct charge of and operate steam boilers for one year from the date on which such license is issued. (Ord. 1943, ch. 1196, § 4; Rev. Ords. 1946, ch. 10, § 6)

Sec. 14-91. Renewal of license.

Upon application, the person to whom a license is issued under this article shall be entitled to a renewal thereof annually, unless the public service engineer for a cause named in section 14-93 and upon notice and hearing shall refuse such

renewal. Such refusal shall have the approval of the commissioner of public safety. (Ord. 1943, ch. 1196, § 5; Rev. Ords. 1946, ch. 10, § 8)

Sec. 14-92. Fee for license, renewal.

Each applicant for an examination for a license as an engineer or boiler operator shall pay to the public service engineer at the time of application a fee of five dollars ($5.00), and for each renewal of such license a fee of two dollars ($2.00). Said fees shall be turned over to the city collector at monthly intervals. (Ord. 1943, ch. 1196, § 6; Rev. Ords. 1946, ch. 10, § 9)

Sec. 14-93. Revocation of license.

Upon written charges, after notice and hearing, the public service engineer with the approval of the commissioner of public safety, may revoke the license of a person guilty of fraud in obtaining such licenses, or who for any reason has become unfit to discharge the duties of a steam engineer or boiler operator. (Ord. 1943, ch. 1196, § 4; Rev. Ords. 1946, ch. 10, § 7)

Sec. 14-94. Appeal from denial or revocation of license.

A person dissatisfied with the action of the public service engineer in refusing or revoking a license or renewal thereof, may appeal to the commissioner of public safety, who shall investigate the action of the public service engineer. If the commissioner finds that the action of the public service engineer was justified under the requirements of this article, he shall sustain him in his action; if he finds that the public service engineer was not so justified, he shall require him to issue a license to the person making the appeal. (Ord. 1943, ch. 1196, § 7; Rev. Ords. 1946, ch. 10, § 10)

Sec. 14-95. Authority to operate derived from license.

An engineer's or boiler operator's license secured under the provisions of this article shall authorize the holder thereof to operate or be in direct charge of any stationary steam engine, boiler, or refrigerating machine, not over the horse-

power to be determined by the public service engineer from time to time. If the boiler to be operated is more than the horsepower allowed by the rules as established by the public service engineer, the fireman shall be in charge of a licensed engineer. (Ord. 1943, ch. 1196, § 8; Rev. Ords. 1946, ch. 10, § 11)

Sec. 14-96. Exhibiting license.

Each engineer and boiler operator shall exhibit his license under glass in a conspicuous place in his engine or boiler room, and for each neglect or refusal to comply with the provisions of this section he shall be deemed guilty of an offense punishable as provided in section 1-10. (Ord. 1943, ch. 1196, § 9; Rev. Ords. 1946, ch. 10, § 12)

Sec. 14-97. Exemptions of certain equipment from article.

The provisions of this article shall not apply to boilers and engines under the jurisdiction of the United States, or to locomotive boilers and engines when used as such, nor to hoisting engines or to the owners or users thereof. (Ord. 1943, ch. 1196, § 11; Rev. Ords. 1946, ch. 10, § 13)

Sec. 14-98. Exemption of hoisting engineers from article.

The provisions of this article shall not apply to hoisting engineers carrying a State of Rhode Island hoisting engineer's license. (Ord. 1943, ch. 1196, § 14; Rev. Ords. 1946, ch. 10, § 14)

Secs. 14-99—14-108. Reserved.

Article VI. Intelligence Offices*

Sec. 14-109. License required.

It shall be unlawful for any person in the city to keep or maintain an intelligence office unless he first shall have obtained a license therefor from the bureau of licenses.

*Charter reference—Bureau of licenses, § 5.35 et seq.
State law references—Intelligence offices, §§ 5-7-1, 5-7-2, Gen. Laws 1956; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 14-110. License fee.

The sum of twenty dollars ($20.00) shall be the annual charge for each license granted by the bureau of licenses to keep and maintain an intelligence office. (Rules of Bd. of Ald., ch. 2, r. 22; Rev. Ords. 1946, ch. 19, § 10)

Sec. 14-111. Production of licenses.

All persons licensed to keep and maintain intelligence offices shall produce their licenses upon the demand of any person doing business with them. (Rules of Bd. of Ald., ch. 2, r. 13; Rev. Ords. 1946, ch. 19, § 4)

Sec. 14-112. Signs required.

All persons licensed to keep and maintain intelligence offices shall keep, in some conspicuous place on the premises occupied by them, a sign with their name and the word "LICENSED" thereon. (Rules of Bd. of Ald., ch. 2, r. 13; Rev. Ords. 1946, ch. 19, § 4)

Sec. 14-113. Books to be kept.

A person licensed to keep and maintain an intelligence office shall keep a book in which shall be entered, at the time of application, the name and residence of any person who may apply for employment, and the name and residence of any person who may make application to be supplied with male or female domestics, servants, clerks, or other laborers; and also any and all sums of money which may be received of any person for such service. Such books shall at all times be open to the inspection of either the chief of police, deputy chief of police, or any person by them or either of them authorized. (Rules of Bd. of Ald., ch. 2, r. 14; Rev. Ords. 1946, ch. 19, § 5)

Sec. 14-114. Office hours.

Intelligence offices shall be kept open for business between the hours of 8:00 a.m. and 8:00 p.m., Sunday excepted, and at no other hours. (Rules of Bd. of Ald., ch. 2, r. 15; Rev. Ords. 1946, ch. 19, § 6)

Sec. 14-115. Application fees.

Every licensed keeper of an intelligence office shall be entitled to receive from each person at the time of application for employment, a sum not exceeding one dollar ($1.00), and from each person making application for a domestic, servant, clerk or other laborer, a sum not exceeding one dollar ($1.00), for which, in every case, a receipt shall be given at the time. In case no servant or place of employment is obtained within six (6) days from the date of payment, the money shall be refunded. In case no satisfactory servant or place of employment is obtained for the applicant therefor within six (6) days from the date of payment, the money shall be refunded to the applicant dissatisfied. (Rules of Bd. of Ald., ch. 2, r. 16; Rev. Ords. 1946, ch. 19, § 7)

Sec. 14-116. Inducing servant to leave employment prohibited.

No licensed keeper of an intelligence office shall induce or attempt to induce any servant employed in any place to leave his employment. (Rules of Bd. of Ald., ch. 2, r. 16; Rev. Ords. 1946, ch. 19, § 8)

Sec. 14-117. Revocation of license.

Any person licensed to keep an intelligence office, who shall violate any of the provisions of this article, shall suffer revocation of his license; in addition such license may be revoked at any time for causes other than those above specified. Said penalty shall be in addition to any other penalty which may be imposed as a result of violation of this Code of Ordinances. (Rules of Bd. of Ald., ch. 2, r. 17; Rev. Ords. 1946, ch. 19, § 9)

Secs. 14-118—14-126. Reserved.

Article VII. Junk and Secondhand Dealers*

Sec. 14-127. License required.

No person shall engage in the business of purchasing, selling, bartering or dealing in junk, old metals or secondhand articles, whether as keeper of a shop or storehouse for the reception of the same, or as a gatherer of the same in any bag, wagon or cart, or as a foundryman or other person receiving the same for the purpose of melting the same or of converting the same into castings, unless such person shall be duly licensed by the bureau of licenses. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 1)

Sec. 14-128. License application.

(a) *Form, contents.* Every applicant for a license as required by section 14-127 hereof shall set forth, with full particulars, upon a form to be furnished by the bureau of licenses, answers to the following questions:

(1) The name and address, both of residence and of business of the applicant.

(2) The business or employment of the applicant, during the five (5) years next preceding the application.

(3) The age of the applicant.

Such application shall be referred to the chief of police for his approval or disapproval, before being acted upon by the bureau of licenses.

(b) *Notice required.* Notice of an application to keep a junk shop or storehouse for the reception of any junk, old metals or other secondhand articles in any location not occupied for such purposes at the time of the filing of the application for such license shall be given by publication at least twice in a daily newspaper published in the city. Said notice shall set forth the name of the applicant, the location of the premises sought to be licensed, the time and place of the hearing and

*Charter reference—Bureau of licenses, § 5.35 et seq.
State law references—Authority to require licenses from junk and secondhand dealers, §§ 5-21-1, 5-21-2, Gen. Laws 1956; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

the right to remonstrate against the granting of the application. The first publication shall be published not less than ten (10) days prior to the hearing.

(c) *Exceptions to notice requirement.* Applications for the renewal or transfer of such licenses shall not be advertised. (Ord. 1914, ch. 33, § 2; Rev. Ords. 1946, ch. 18, § 2; Ord. 1957, ch. 1149)

Sec. 14-129. Fees for licenses.

The annual fees for the licenses required by section 14-127 hereof shall be as follows:

(a)	For a keeper of a shop or storehouse	$ 25.00
(b)	For a gatherer	5.00
(c)	For a foundryman or other person receiving old metals for the purpose of melting the same, or converting the same into castings	5.00
(d)	For dealers in secondhand automobiles	25.00

(Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 3)

Sec. 14-130. Display of license.

Every keeper of any junk shop or storehouse, licensed as provided herein, shall display in a conspicuous place within such shop or storehouse the license last granted to him. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 4)

Sec. 14-131. Expiration of license.

All licenses granted under the provisions of this article shall expire on the first day of May next succeeding the date of such license, and no rebate shall be made from the license fee for such license for any license term less than one year. (Ord. 1914, ch. 33, § 3; Rev. Ords. 1946, ch. 18, § 5)

Sec. 14-132. Gatherers to wear badges.

Every gatherer of junk or secondhand articles, when licensed by the bureau of licenses shall obtain from the clerk of said bureau a badge of white metal two and one-half inches

in diameter, and shall at all times wear said badge conspicuously on the outside of his outside coat when engaged in his business. Such badge shall bear in black enamel a number which shall correspond to the badge number marked on the license, and shall be issued, upon the deposit of a sum to be required by the bureau of licenses to such person as shall obtain the license bearing such badge number. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 13)

Sec. 14-133. Misuse of badges.

No person shall wear any badge provided for herein after the expiration or revocation of the license represented by it, and any licensed person who shall suffer any such badge, issued to him as aforesaid, to be used by another person for a purpose similar to that for which the badge was issued to him, shall forfeit said badge, together with the license represented by it. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 14)

Sec. 14-134. Conduct of business in premises used as dwelling, restricted.

No such business as defined in section 14-127 hereof shall be carried on in any building or premises of which any part is used as a dwelling house, except with the written consent of the chief of police, and except in compliance with the zoning ordinance. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 6)

Sec. 14-135. Books to be kept.

Every person licensed hereunder, except licensed gatherers, shall keep in a book obtained from or under the direction of the bureau of licenses, a contemporaneous record in ink, and in the English language, of the business done by him as follows: A description of every article purchased or sold by him, written at the time of such purchase or sale; the name and residence of the person from or to whom the same was purchased or sold; and the day and hour of such purchase or sale. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 7)

Sec. 14-136. Inspection of records and places of business.

The record required in section 14-135, and every shop, storehouse, bag, wagon, cart, or foundry, or place of business of any person licensed hereunder shall be subject to the inspection and examination of the chief of police, deputy chief of police, any captain of police, any lieutenant of police, any police inspector, or any person authorized by any of them. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 8)

Sec. 14-137. Ten-day holding period for property acquired by licensee.

Every person licensed hereunder shall keep any property purchased or received by him for a period of ten (10) days from and after the report required to be made by him to the chief of police as provided in section 14-138. During said period such property shall be kept separate and distinct and shall not be disfigured or treated in any way by which its identity may be destroyed or affected; except however, that any person licensed as a gatherer may at any time sell any such property to a keeper of a shop or storehouse or a foundryman or other person licensed as provided herein; and except that any keeper of a shop or storehouse, or any foundryman or other person licensed as provided herein; may sell or melt within said period of ten (10) days, upon permission in writing from the chief of police, or from such person as said chief of police shall designate to act for him. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 9)

Sec. 14-138. Daily reports to police.

Every person licensed hereunder, except a gatherer licensed as provided herein, shall every day, except Sundays, between the hours of 7:00 a.m. and 11:00 a.m., deliver to the chief of police, or at his office, on blank forms to be prescribed by said chief, a legible and correct transcript from the book kept by such licensed person as provided in section 14-135, showing the business done by such person during the business day immediately preceding. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 10)

Sec. 14-139. Application of sections to junk or old metals weighing ton or more.

Sections 14-135 to 14-138 hereof shall not apply to any purchase or sale of junk or old metals weighing one ton or over. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 11)

Sec. 14-140. Prohibited hours for conduct of business.

No keeper of any junk shop or storehouse licensed hereunder, shall do or suffer to be done any business therein between the hours of 7:00 p.m. and 7:00 a.m. following. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 12)

Sec. 14-141. Doing business with minors.

No person licensed as provided herein shall directly or indirectly either purchase or receive in barter or exchange any junk, old metals or secondhand articles from any minor unless such minor shall be licensed in accordance with this article. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 15)

Sec. 14-142. Dealing in bar or pig iron prohibited.

No person licensed as provided herein shall directly or indirectly purchase or receive in barter or exchange or sell any bar or pig iron. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 16)

Sec. 14-143. Display of weapons prohibited.

No dealer in secondhand articles shall display in his place of business pistols, or firearms of any description, blackjacks, slungshot, billy, brass knuckles, or other weapons of like kind and description. (Ord. 1914, ch. 33, § 1; Rev. Ords. 1946, ch. 18, § 17)

Sec. 14-144. Exemption of books, pamphlets and periodicals from article.

This article shall not apply to keepers of shops for the purchase, sale or barter of books, pamphlets or periodicals. (Ord. 1914, ch. 33, § 5; Rev. Ords. 1946, ch. 18, § 18)

Secs. 14-145—14-154. Reserved.

Article VIII. Pawnbrokers*

Sec. 14-155. License required.

It shall be unlawful for any person to engage in business as a pawnbroker in the city, unless he first shall have procured a license therefor from the bureau of licenses.

Sec. 14-156. License fee.

The sum of one hundred dollars ($100.00) shall be the annual charge for each pawnbroker's license. (Rules of Bd. of Ald., ch. 2, r. 24; Rev. Ords. 1946, ch. 19, § 3)

Sec. 14-157. Posting and display of license.

Every person licensed under the provisions of this article shall display the license issued to him in a conspicuous place in the premises operated by him hereunder.

Sec. 14-158. Transferability of license.

No license to engage in business as a pawnbroker shall operate to authorize any person other than the person named therein to act thereunder, and no such license shall be transferable.

Sec. 14-159. Revocation of license.

Any person licensed to engage in business as a pawnbroker, who shall violate any of the conditions or restrictions imposed upon the issuance of such license or any rules and regulations governing the conduct of pawnbrokers, established by the bureau of licenses or by the state, shall suffer revocation of his license; in addition, such license may be revoked at any time for causes other than those above specified, including violation of any other provision of this Code of Ordinances.

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*Charter reference—Bureau of licenses, § 5.35 et seq.
State law reference—Licensing and regulation of pawnbrokers, ch. 19-26, Gen. Laws 1956.

Said penalties shall be in addition to any other penalty which may be imposed as a result of violation of this Code of Ordinances.

Sec. 14-160. Books and records to be kept.

A person licensed as a pawnbroker shall keep and maintain appropriate books and records pertaining to the operation of such business, and such books and records at all times shall be open to the inspection of the chief of police, deputy chief of police, or any other person by them or either of them authorized.

Secs. 14-161—14-170. Reserved.

Article IX. Peddlers and Hawkers*

Sec. 14-171. License required.

Except as hereinafter provided, all hawkers and peddlers desiring to sell or offer for sale as hawkers and peddlers, any article or substance within the city, and all persons desiring to sell or offer for sale any goods, wares, merchandise, food or other articles or substances on any street in the city, shall first obtain a license therefor to be issued by the bureau of licenses, and to that end shall make application to said bureau for such license, to sell the articles or substances hereinbefore mentioned upon any street in the city, for a period from the date of issue of such license until the first day of May next ensuing such date. (Ord. 1914, ch. 28, § 1; Rev. Ords. 1946, ch. 25, § 1)

State law reference—Cities authorized to license peddlers and hawkers, § 5-11-18, Gen. Laws 1956.

*Charter reference—Bureau of licenses, § 5.35 et seq.
Cross reference—Calling attention to displays, sales, business conducted within building, § 3-2.
State law references—Peddlers and hawkers, ch. 5-11, Gen. Laws 1956; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 14-172. License fees.

For licenses issued as provided herein, the person receiving the same shall pay to the bureau of licenses the following license fees which are hereby established, to wit:

(a)	Peddling from wagons or carts	$ 5.00
(b)	Peddling from hand or push carts	5.00
(c)	Peddling on foot, without wagon or cart	5.00
(d)	Peddling patent medicine	50.00
(e)	Peddling jewelry	50.00

(Ord. 1914, ch. 28, § 2; Rev. Ords. 1946, ch. 25, § 2)

Sec. 14-173. Issuance of special licenses, fees therefor.

Special licenses may be issued upon the recommendation of the bureau of licenses for one or more days for such fees as said bureau shall prescribe, said fees to be not less than one dollar ($1.00) per day. (Ord. 1914, ch. 28, § 3; Rev. Ords. 1946, ch. 25, § 3)

Sec. 14-174. Licensee to wear badge.

Every person licensed as herein provided, shall also obtain from the bureau of licenses a badge of white metal at least two and one-half (2½) inches in diameter, and shall at all times while engaged in the business for which he is licensed wear said badge conspicuously on the outside of his outside coat. The number on said badge shall correspond to the badge number marked on the license, and shall be issued upon the deposit of a sum to be required by the bureau of licenses to such person as shall obtain the license bearing such badge number. (Ord. 1914, ch. 28, § 4; Rev. Ords. 1946, ch. 25, § 4)

Sec. 14-175. Misuse of badge.

No person shall wear any badge provided for in section 14-174 after the expiration or revocation of the license represented by it. Any licensed person who shall suffer any such badge, issued to him as aforesaid, to be used by another person for a purpose similar to that for which the badge was

issued to him, shall forfeit said badge, together with the license represented by it. (Ord. 1914, ch. 28, § 5; Rev. Ords. 1946, ch. 25, § 5)

Sec. 14-176. Transferability of license.

No license issued as provided herein shall authorize any person other than the one named therein to act thereunder, and no license shall be transferable. (Ord. 1914, ch. 28, § 6; Rev. Ords. 1946, ch. 25, § 6)

Sec. 14-177. Refusal to exhibit license and badge.

Any person who shall neglect or refuse for the space of ten (10) minutes after demand by any police officer to exhibit to him his license and badge shall be deemed for the purposes of this article to be unlicensed, and to have violated the provisions of this article. (Ord. 1914, ch. 28, § 7; Rev. Ords. 1946, ch. 25, § 7)

Sec. 14-178. Hawking, shouting restricted to licensees.

Where two (2) or more persons are on one wagon or cart used in hawking and peddling, only those having licenses shall be permitted to hawk or shout, and in no case shall more than one of such licensees hawk or shout at the same time. Ord. 1914, ch. 28, § 8; Rev. Ords. 1946, ch. 25, § 9)

Sec. 14-179. Prohibited hours for hawking and shouting.

All hawking or shouting by hawkers and peddlers for the purpose of barter or sale of any article is hereby prohibited before 8:00 a.m. and after 7:00 p.m. (Ord. 1914, ch. 28, § 8; Rev. Ords. 1946, ch. 25, § 8)

Sec. 14-180. Unnecessary noise prohibited.

Hawkers and peddlers may make reasonable announcement of the merchandise which they have for sale, but loud, unnecessary outcries likely to disturb or annoy persons in the vicinity shall not be made at any place or time. (Ord. 1914, ch. 28, § 8; Rev. Ords. 1946, ch. 25, § 11)

Sec. 14-181. Protection of ill persons from hawking, shouting.

Hawking or shouting is hereby prohibited in the immediate vicinity of any house in which there is any person suffering from serious illness, after notice of the same from any person. (Ord. 1914, ch. 28, § 8; Rev. Ords. 1946, ch. 25, § 10)

Sec. 14-182. Provisions not applicable to farmers, vendors of ice, newspapers, holders of lunch cart licenses.

Nothing herein contained shall apply to milkmen, nor to farmers selling the produce of their farms or selling both the produce of their farms and the produce of other farms, nor to vendors of ice or newspapers, nor to holders of licenses for the operation of mobile food establishments. (Ord. 1914, ch. 28, § 11; Rev. Ords. 1946, ch. 25, § 13)

Secs. 14-183—14-192. Reserved.

Article X. Shows and Other Amusements*

Division 1. In General

Sec. 14-193. Traveling show, carnival, circus, merry-go-round —License, hearing requirements.

No person shall locate or carry on any traveling show, carnival, circus, or merry-go-round, upon any vacant lot within the city without first securing a license therefor from the bureau of licenses after a public hearing. (Ord. 1943, ch. 1176, § 1; Rev. Ords. 1946, ch. 23, § 20; Ord. 1959, ch. 1294, § 1)

Sec. 14-194. Same—Notice of hearing required.

Notice of the public hearing required in section 14-193 shall be advertised at least two (2) times in a newspaper pub-

*Charter reference—Bureau of licenses, § 5.35 et seq.
Cross reference—Advertising shows, exhibitions and theatricals, § 3-3.
State law references—City authorized to regulate, prohibit or suppress theatrical performances, rope and wire dancing and other shows, § 5-22-1, Gen. Laws 1956; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city council to establish system of fees for granting or issuing licenses or permits, P.L. 1922, ch. 2241.

lished in the city prior to such public hearing. The advertising fee shall be paid by the applicant. (Ord. 1943, ch. 1176, § 1; Rev. Ords. 1946, ch. 23, § 20; Ord. 1959, ch. 1294, § 1)

Sec. 14-195. Same—Prerequisite to receipt of application for advertising.

No application for the license required in section 14-193 shall be received for advertising unless the majority of the owners or occupants of the land within two hundred (200) feet of the proposed location consent in writing to the grant of such license. (Ord. 1943, ch. 1176, § 1; Rev. Ords. 1946, ch. 23, § 20; Ord. 1959, ch. 1294, § 1)

Sec. 14-196. Nets required for certain performances.

No performance in any hall, theater or building, used as a place of exhibition, shall be permitted upon any rope, wire or trapeze, strung or suspended in the auditorium of such place of exhibition, unless a net shall be placed under such rope, wire or trapeze, or other suitable provision be made to protect the audience from danger of falling bodies. The commissioner of public safety, the chief of police, or any member of the police force, are hereby authorized and directed to cause any such exhibition to be suspended until such safeguard shall be provided. (Ord. 1943, ch. 1176, § 1; Rev. Ords. 1946, ch. 23, § 19)

Secs. 14-197—14-201. Reserved.

DIVISION 2. BILLIARD PARLORS, POOLROOMS, BOWLING ALLEYS AND SHOOTING GALLERIES*

Sec. 14-202. License required.

No person shall engage in the business of keeping bagatelle, billiard, pool or sippio tables for public hire, or in the business of keeping bowling alleys or shooting galleries for public hire, unless such person shall be duly licensed by the bureau of licenses.

*Charter reference—Bureau of licenses, § 5.35 et seq.

Sec. 14-203. Application for license.

Every applicant for a license required in section 14-202 shall set forth, upon a form to be furnished by the bureau of licenses, his name and address, and the address where the business for which a license is being sought is to be operated, and any other pertinent information required by the bureau of licenses.

Sec. 14-204. Notice, opportunity to object to issuance of license to be afforded.

The bureau of licenses, before granting a license required in section 14-202, shall give notice of application therefor by advertising once a week for at least two (2) successive weeks in some newspaper published in the city. The advertisement so published shall contain the name of the applicant and a description by street and number or other designation of the particular location for which the license is requested. Said notice shall state that remonstrants are entitled to be heard before granting of such license, and shall name the time and place of hearing. At such time and place a fair opportunity shall be granted the remonstrants to make their objections before acting upon said application.

Sec. 14-205. Effect of objections to issuance of license.

A license to engage in a business for which a license is required by this division shall not be issued to an applicant where the owners of the greater part of the land within two hundred (200) feet of the premises sought to be licensed shall file with the bureau of licenses their objections to the granting of such license.

Sec. 14-206. License fees for bagatelle, billiard, pool or sippio tables.

The annual fees for licenses to keep bagatelle, billiard, pool or sippio tables for public hire, shall be as follows:

(a) For one such table ..... $ 25.00
(b) For each additional table in the same premises 15.00
(Rules of Bd. of Ald., ch. 2, r. 20; Rev. Ords. 1946, ch. 19, § 1)

Sec. 14-207. License fees for bowling alleys, shooting galleries.

The annual fees for licenses to keep bowling alleys or shooting galleries for public hire, shall be ten dollars ($10.00). (Rules of Bd. of Ald., ch. 2, r. 21; Rev. Ords. 1946, ch. 19, § 2)

Sec. 14-208. License year; prorating license fees.

Licenses issued as provided in this division shall expire on June 30th next following the date of their issue, and license fees payable therefor shall be prorated to the year ending on said date.

Sec. 14-209. Renewal of licenses.

Licenses issued as provided in this division shall be renewable beginning July 1st in each year, under the same restrictions and requirements as apply to an original application for license.

Sec. 14-210. Posting and display of license.

Every person licensed under the provisions of this division shall display the license issued to him in a conspicuous place in the premises operated hereunder.

Sec. 14-211. Transferability of license.

No license to engage in a business for which a license is required under the provisions of this division shall operate to authorize any person other than the person named therein to act thereunder, and no such license shall be transferable.

Sec. 14-212. Restrictions upon licenses.

Licenses issued pursuant to this division shall be granted subject to the condition that the licensed premises shall be open to the inspection of the police department at all times during business hours, and subject to the provisions of Chapter 363 of the General Laws and any act in amendment thereof or in addition thereto. (Rules of Bd. of Ald., ch. 2, r. 21; Rev. Ords. 1946, ch. 19, § 2)

Sec. 14-213. Revocation of license.

Any person licensed under the provisions of this division, who shall violate any of the conditions or restrictions imposed upon the issuance of such license, or any rules and regulations pertaining thereto which have been established by the bureau of licenses, shall suffer revocation of his license; in addition such license may be revoked at any time for causes other than those above specified, including violation of any other provision of this Code of Ordinances. Said penalties shall be in addition to any other penalty which may be imposed as a result of violation of this Code of Ordinances.

Sec. 14-214. Rules and regulations governing licensed premises.

The bureau of licenses shall establish rules and regulations for the operation and maintenance of premises used for the businesses for which a license is required under the provisions of this division.

Secs. 14-215—14-219. Reserved.

DIVISION 3. TRAMPOLINES*

Sec. 14-220. License required for operation.

No person shall engage in the business of operating trampolines unless such person shall be duly licensed by the bureau of licenses. (Ord. 1962, ch. 1477, § 1)

Sec. 14-221. Application for license.

Every applicant for a license required in section 14-220 shall set forth, upon a form to be furnished by the bureau of licenses, his name and address, and the address where the

*Charter reference—Bureau of licenses, § 5.35 et seq.
State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; special act authorizing city council to establish system of fees for granting or issuing licenses or permits, P.L. 1922, ch. 2241; authority of City of Providence to regulate business of operating trampolines, P.L. 1962, ch. 121.

business of operating trampolines is sought to be located, and any other needful information as required by the bureau of licenses. A fee of ten dollars ($10.00) shall be paid by the applicant upon the filing of such application. (Ord. 1962, ch. 1477, § 2)

Sec. 14-222. Notice, opportunity to object to issuance of license to be afforded.

The bureau of licenses, before granting a license required in section 14-220 shall give notice by advertising once a week for at least two (2) successive weeks in some newspaper published in the city. The advertisement so published shall contain the name of the applicant and a description by street and number or other plain designation of the particular location for which the license is requested. Said notice shall state that remonstrants are entitled to be heard before the granting of such license, and shall name the time and place of hearing. At such time and place a fair opportunity shall be granted the remonstrants to make their objections before acting upon said application. (Ord. 1962, ch. 1477, § 3)

Sec. 14-223. Effect of objections to issuance of license.

A license to engage in the business of operating trampolines shall not be issued to an applicant where the owners of the greater part of the land within two hundred (200) feet of the place shall file with the bureau of licenses their objection to the granting of such license. (Ord. 1962, ch. 1477, § 4)

Sec. 14-224. Fee for license; prorating fee.

The annual fee for a license hereunder shall be twenty-five dollars ($25.00). Such fee shall be prorated to the year ending June 30 in each calendar year. (Ord. 1962, ch. 1477, § 5)

Sec. 14-225. Expiration, renewal of license.

A license granted to an applicant hereunder shall be in effect for the period ending June 30 and shall be renewable each year beginning July 1 under the same requirements as an original application. (Ord. 1962, ch. 1477, § 6)

Sec. 14-226. Posting and display of license.

Every person licensed under the provisions of this division shall display the license issued to him in a conspicuous place in the premises operated hereunder.

Sec. 14-227. Transferability of license.

No license issued under the provisions of this division shall operate to authorize any person other than the person named therein, to act thereunder, and no such license shall be transferable.

Sec. 14-228. Revocation of license.

Any person licensed under the provisions of this division, who shall violate any of the conditions or restrictions imposed upon the issuance of such license, or any rules and regulations pertaining thereto which have been established by the bureau of licenses, shall suffer revocation of his license; in addition such license may be revoked at any time for causes other than those above specified, including violation of any other provision of this Code of Ordinances. Said penalties shall be in addition to any other penalty which may be imposed as a result of violation of this Code of Ordinances.

Sec. 14-229. Rules and regulations governing places used.

The bureau of licenses shall establish rules and regulations for the operation and maintenance of places used for the business of operating trampolines. (Ord. 1962, ch. 1477, § 7)

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Chapter 15

MOTOR VEHICLES AND TRAFFIC*

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*Charter references—Powers of city, § 2.1 et seq.; off-street parking, § 2.19 et seq.; power to restrict vehicular traffic on pedestrian mall, § 2.38.

Cross references—Traffic engineering department, § 2-151 et seq.; transporting dead animals, § 4-7; transportation of high explosives, § 9-64; keeping vehicles using naphtha, gasoline, other hydrocarbons, § 9-68; establishment, designation of hospital quiet zones, §§ 12-8, 12-9; regulation of commercial parking lots, § 14-64 et seq.; sounding horn or signal device on vehicles, § 16-11; riding and driving in parks, § 18-4 et seq.; operation of railroads, § 19-11 et seq.; bridges, § 23-154 et seq.; regulation of vehicles for hire generally, § 24-1 et seq.; regulation of sound trucks, § 24-97 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; regulation of motor and other vehicles, Title 31, Gen. Laws 1956.

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Article I. In General

Sec. 15-1. City vehicles to carry name of city.

All carriages, wagons, trucks, automobiles and other vehicles owned by the city, except the automobile used by the mayor, shall have painted or marked on the outside surface of both sides thereof in block letters not less than one and one-half (1½) inches high, in such place and manner as to be plainly visible, appropriate words to designate and show that the same are owned by the city. (Ord. 1914, ch. 47, § 9; Rev. Ords. 1946, ch. 29, § 4)

Sec. 15-2. Penalties for traffic violations.

(a) *Generally.* The general penalties provided for by section 1-10 of this 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, instead of making a personal appearance before the police court and admitting the violation charged, shall be punished by a fine as hereinafter respectively set forth:

Offense	*Fine*
Overtime parking	$ 1.00
Parking in prohibited area (No Parking)	3.00
Parking within eight (8) feet of fire hydrant	3.00
Parking in loading zone	3.00
Parking in taxi stand	3.00
Parking within twenty-five (25) feet of corner	3.00
Parking to obstruct driveway	3.00
Parking on sidewalk	3.00
Standing in prohibited areas	3.00
Double parking (more than three feet from curb)	3.00
Parking in marked bus stop	3.00
Parking in excess of one (1) foot, but not more than three (3) feet from curb	3.00
Parking with left wheels to curb	3.00
Angle parking	3.00
Parking on marked crosswalk or within intersection	3.00
Stopping bus away from curb	3.00

(b) *Meter violations.* Where overtime parking shall occur in a metered space it shall be a separate violation for vehicles remained parked in said space for each consecutive unit of time beyond the first unit of time, up to a maximum of three (3) violations. A unit of time shall mean the period of permitted parking time. The additional one dollar ($1.00) fine for the privilege of paying by mail shall be for the total number of violations and not separately for each violation. (Ch. 2, § 197, added by Ord. 1948, ch. 163, § 9; Ord. 1956, ch. 1033, § 1; Ord. 1961, ch. 1443, § 1; Ord. 1965, ch. 1699, § 1)

Sec. 15-3. Payment of parking fines—Generally.

A person charged with the violation of any traffic regulation relating to stopping, standing or parking of vehicles and notified in writing by a police officer to appear to answer such charge before the police court, instead of personally appearing in court, may in person or by one duly authorized by him in writing, appear 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 five (5) days of such notification, and failure to so appear shall be deemed a waiver of the right to dispose of such charge without personal appearance in court. (Ch. 2, § 198, added by Ord. 1956, ch. 1033, § 2; Ord. 1962, ch. 1456, § 1; Ord. 1965, ch. 1699, § 1)

Sec. 15-4. Same—Payment by mail.

(a) Any person charged with any violations relating to stopping, standing or parking of vehicles may elect to mail in the parking violation tag to the clerk of the police court accompanied by payment of the designated fine plus an additional one dollar ($1.00) and the name and address of the violator. Such privilege of paying the fine by mail exercised within five (5) days from the date of the offense and the date of depositing of the payment of such fine in a depository maintained by the United States Post Office Department for the collection of mails and the postage cancellation shall be prima facie evidence of the time of deposit.

(b) When mail is used for payment of such fine the payment may be in cash or by check or by money order and where payment is attempted with a check drawn against insufficient funds, an additional payment not to exceed ten dollars ($10.00) may be imposed against the violator. When payment is by cash it shall be at the risk of the sender and the record of the clerk of the police court shall be conclusive as to receipt of the same and the amount thereof in absence of written evidence to the contrary. (Ch. 2, § 198, added by Ord. 1956, ch. 1033, § 2; Ord. 1962, ch. 1456, § 1; Ord. 1965, ch. 1699, § 1)

Sec. 15-5. Same—Effect of payment.

The payment of a fine to the clerk of the police court as herein provided, for the violation of a traffic regulation pertaining to stopping, standing or parking of vehicles, shall operate as a final disposition of the charge, and such proceedings shall not be deemed criminal. (Ch. 2, § 198, added by Ord. 1956, ch. 1033, § 2; Ord. 1962, ch. 1456, § 1; Ord. 1965, ch. 1699, § 1)

Sec. 15-6. Same—Notice requirements.

Notice of any traffic violation relating to stopping, standing or parking of vehicles shall indicate the offense charged, the 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. (Ch. 2, § 198, added by Ord. 1956, ch. 1033, § 2; Ord. 1962, ch. 1456, § 1; Ord. 1965, ch. 1699, § 1)

Sec. 15-7. Effect of multiple violations relating to stopping, standing, parking.

Notwithstanding anything herein contained the right to dispose of a traffic violation charge relating to stopping, standing or parking of vehicles without personal appearance in court, may not be exercised by any person who in any consecutive period of twelve (12) months next preceding such charge has been three (3) times in the aggregate adjudged guilty by the police court of any violation of any regulation relating to stopping, standing or parking of vehicles, or has admitted the truth of charges made against him under the provisions hereof. (Ch. 2, § 198, added by Ord. 1956, ch. 1033, § 2; Ord. 1962, ch. 1456, § 1; Ord. 1965, ch. 1699, § 1)

Secs. 15-8—15-17. Reserved.

Article II. Impoundment of Vehicles*

Sec. 15-18. Removal of illegally parked vehicles.

(a) *Generally.* Any police officer may remove and impound or cause to be removed or impounded any vehicle

*Charter reference—Powers of city, § 2.1 et seq.

Cross references—Traffic engineering department, § 2-151 et seq.; report of vehicle left on commercial parking lot more than twenty-four hours, § 14-74; towing vehicle unlawfully parked in Westminster Pedestrian Mall, § 23-82.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; regulation of motor and other vehicles, Title 31, Gen. Laws 1956.

parked upon any street or highway, in such a violation of any parking regulation, other than overtime parking, as to constitute an obstruction to traffic.

(b) *Payment of charges.* A towing charge plus a storage charge as the same are provided in section 15-22 shall be paid to the clerk of the police court or some official, person, firm or corporation designated by him before any such vehicle shall be released except for vehicles towed during periods when emergency regulations controlling parking and traffic movements during storm periods are in effect. (Ch. 2, § 199, added by Ord. 1956, ch. 1033, § 2; Ord. 1961, ch. 1443, § 1)

Sec. 15-19. Removal of disabled or abandoned vehicles on public highway.

(a) *Order to remove.* Whenever any vehicle is disabled by reason of accident or for any other reason, or abandoned upon a public street or highway of the city, and such disabled or abandoned vehicle constitutes an obstruction to the normal flow of pedestrian or vehicular traffic upon the said highway which cannot be readily removed, the police department or any officer thereof, shall direct the owner or operator to remove said vehicle and give him a reasonable opportunity so to do.

(b) *Use of towing service.* If the owner or operator of a disabled or abandoned motor vehicle is unable or unwilling to remove said motor vehicle by his own efforts or resources within a reasonable time as directed by said police department, he shall be directed to call or designate a towing service of his own choice to remove said vehicle. If such owner or operator refuses, fails is unable or is not readily available to call or select a towing service, as aforesaid, the police department shall call upon an approved towing service as herein provided, and direct that said motor vehicle be removed to a suitable place within the city. (Ord. 1960, ch. 1343, § 1)

Sec. 15-20. Moving, altering, repairing motor vehicle removed from highway.

Any motor vehicle disabled or abandoned and removed from a public highway or street, as provided in section 15-19,

shall not be further moved, altered or repaired in any manner or form without the written consent of the owner or operator thereof, or of an agent of the owner or operator duly authorized in writing. (Ord. 1960, ch. 1343, § 1)

Sec. 15-21. Duty to regain possession of vehicle.

The owner or operator or duly designated agent of the owner or operator of a vehicle removed from a street or highway as provided herein shall regain immediate possession of any such motor vehicle from the towing service company or the person to whom or the place to which it may have been delivered by said towing service upon payment of a charge for towing plus a charge for storage off the public highway. (Ch. 2, § 199, added by Ord. 1956, ch. 1033, § 2; Ord. 1960, ch. 1343, § 2; Ord. 1961, ch. 1443, § 1)

Sec. 15-22. Towing and storage charges; amount, payment.

(a) *Generally.* The charges to be paid for towing and storage of a vehicle removed from the public highway as provided herein, shall be five dollars ($5.00) for towing, plus an additional one dollar ($1.00) for each day or fraction thereof for storage off the public highway, said sums to be paid before any such vehicle shall be released.

(b) *Emergency storm periods.* During periods when emergency regulations controlling parking and traffic movements during storm periods are in effect a towing charge not to exceed ten dollars ($10.00) for passenger vehicles or small trucks with only four (4) tires in contact with the ground or twenty-five dollars ($25.00) for trucks with six (6) or more tires in contact with the ground plus a storage charge not exceeding one dollar ($1.00) for each day or fraction thereof thereafter, shall be paid to the clerk of the police court or some official, person, firm or corporation designated by him before any such vehicle shall be released.

(c) *Effect of payment.* The payment of towing and storage charges shall not release the operator or owner from any

penalty imposed for violation of the emergency traffic regulations. (Ch. 2, § 199, added by Ord. 1956, ch. 1033, § 2; Ord. 1961, ch. 1443, § 1)

Sec. 15-23. Use of towing service companies by police department.

(a) *Agreement required.* The police department shall call only upon towing service companies which have indicated by a writing deposited with the commissioner of public safety their agreement to abide by the provisions of this article and the rules and regulations promulgated hereunder, and have further agreed to remove vehicles as provided herein, for storage if other than the premises of or under direct control of said towing service companies only to suitable places in the city whose owners or operators have also indicated by a writing deposited, as aforesaid, their willingness to abide by the provisions hereof and the rules and regulations promulgated hereunder.

(b) *Listing to be followed.* Towing service companies registered, as aforesaid, with the commissioner of public safety shall be listed in alphabetical order and shall be called upon for their services by said police department to the greatest possible extent in the order of their appearance on said list. (Ord. 1960, ch. 1343, § 3)

Sec. 15-24. Violations by towing service company, owner or operator of premises to which vehicle is removed.

Violations of any portions of this article by any towing service company or by the owner or operator of the premises to which a vehicle may have been removed pursuant to the provisions hereof, shall be punishable by fine or imprisonment or by both as provided in section 1-10 of this Code of Ordinances and/or by being removed from the approved list of eligible towing service companies or suitable repositories for removed cars. No person shall be removed from such list as aforesaid, except after a hearing before the commissioner of public safety after due notice thereof, at which the person

concerned may be represented by an attorney. Any person removed as aforesaid may apply for reinstatement. (Ord. 1960, ch. 1343, § 5)

Sec. 15-25. Rules and regulations to implement article.

The commissioner of public safety may make further rules and regulations not inconsistent herewith to implement the provisions of this article. (Ord. 1960, ch. 1343, § 4)

Secs. 15-26—15-35. Reserved.

Article III. Storage of Dismantled, Junked or Abandoned Vehicles*

Sec. 15-36. Interpretation of terms used in article.

(a) "Dismantled, junked or abandoned vehicles" shall be deemed to include major parts thereof including bodies, engines, transmissions, rear ends, etc.

(b) "Public property" shall include property owned by the city or state, property acquired by the city at tax sales and all streets and highways within the city, whether or not they are public highways.

(c) A vehicle legally or physically incapable of being operated shall include one which has not been duly registered according to law or which lacks the equipment in good operating condition as required by law to enable it to be registered.

(d) "Premises" shall include public or private property, city streets and public highways. (Ord. 1965, ch. 1695, § 7)

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*Charter reference—Powers of city, § 2.1 et seq.

Cross references—Traffic engineering department, § 2-151 et seq.; report of vehicle left on commercial parking lot more than twenty-four hours, § 14-74; towing vehicle unlawfully parked in Westminster Pedestrian Mall, § 23-82.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; regulation of motor and other vehicles, Title 31, Gen. Laws 1956.

Sec. 15-37. Unregistered vehicle deemed abandoned.

An unregistered vehicle on premises not owned or occupied by the owner of said vehicle may be deemed to be abandoned for the purposes of this article. (Ord. 1965, ch. 1695, § 2(d))

Sec. 15-38. Storage license required.

No person shall deposit, store, keep or permit to be deposited, stored or kept in the open upon public or private property a dismantled, unserviceable, junked or abandoned vehicle, or one legally or physically incapable of being operated, unless a license for said storage has theretofore been obtained from the proper authority. (Ord. 1965, ch. 1695, § 1)

Sec. 15-39. Duty to remove vehicle upon notice.

(a) *Notice by owner, lessee, occupant of premises.* The owner of any vehicle described in section 15-36 shall remove the same within seven (7) days after being ordered so to do in writing by the owner, lessee or occupant of the premises where said vehicle shall be found. If the owner of any aforesaid vehicle is not known or cannot readily be ascertained, notice to remove may be given by attaching such notice to said vehicle. The police department upon request therefor shall assist in ascertaining the name and address of the owner of any such vehicle.

(b) *Notice by police.* If the owner of any aforesaid vehicle is also the owner, lessee or occupant of the premises, notice to remove as aforesaid shall be given by the police department.

(c) *Notice as to vehicle on street, highway.* If said vehicle is on a city street or public highway, forty-eight (48) hour notice as aforesaid to remove the same shall be given by the police department, provided that if said vehicle constitutes a present hazard or unduly obstructs traffic ingress to or egress from private or public property, the same may be removed by said police department without any prior notice. (Ord. 1965, ch. 1695, § 2(a)—(c))

Sec. 15-40. Failure to remove vehicle within time limit prescribed.

Upon failure to remove any vehicle within the time limits provided herein, the owner, lessee, occupant of the premises or the police department shall forthwith remove or cause the said vehicle to be removed from the premises to a location to be provided for said purpose by the city. (Ord. 1965, ch. 1695, § 3)

Sec. 15-41. Redemption of vehicle.

The owner of any vehicle removed as provided herein may regain possession thereof from the city by making application therefor within two (2) months after its receipt by said city upon paying to said city of all reasonable costs of removal, which shall be repaid to the person who paid or incurred such charges, plus an additional charge of fifteen dollars ($15.00) for storage charges of said vehicle while in possession of said city. (Ord. 1965, ch. 1695, § 4)

Sec. 15-42. Sale of vehicle upon failure to redeem.

If no claim for a vehicle removed as provided herein is made within two (2) months after receipt thereof, the city may sell said vehicle for the best price obtainable as junk or otherwise, and the proceeds thereof shall be available to pay the reasonable charges of delivering the same to said city if a claim therefor be made by the person who paid said charges, and the expense of keeping and disposing of said vehicle, and any balance shall be paid into the general fund. (Ord. 1965, ch. 1695, § 5)

Sec. 15-43. Liability for loss or damage to vehicle.

Neither the owner, lessee or occupant of the premises from which any vehicle described herein shall be removed, his servant or agent, or the city, shall be liable for any loss or damage to said vehicle while being removed, or while in the possession of said city, or as a result of any subsequent sale or other disposition. (Ord. 1965, ch. 1695, § 6)

Secs. 15-44—15-53. Reserved.

Article IV. Bus Lanes*

Sec. 15-54. Purpose of provisions.

The city council, acting under authority of subsection (f), Section 2 of Article III of Chapter 176 of the Public Laws of Rhode Island, 1962, entitled "An Act Authorizing the Conversion of Certain Streets of the City of Providence into Pedestrian Malls," approved April 20, 1963, hereby determines that in order for the flow of vehicular traffic and in particular intrastate buses to be efficient and not cause unnecessary traffic congestion within the downtown area and in particular Washington, Empire and Weybosset Streets, that there be established during certain hours bus lanes for the exclusive use of the intrastate buses serving the city. (Ord. 1963, ch. 1576, § 1)

Charter reference—Pedestrian malls, § 2.35 et seq.

Sec. 15-55. Establishment on portion of Washington Street.

There is hereby established on that portion of Washington Street, beginning at the intersection of Eddy Street and running to the intersection of Empire Street on the right-hand side, a lane not less than ten (10) feet wide nor more than twelve (12) feet wide measured from the curbline of said Washington Street, which shall be for the exclusive use of intrastate buses and vehicles making right turns during the periods from 7:00 a.m. to 10:00 a.m., inclusive, and from 1:00 p.m. to 10:00 p.m., inclusive, on weekdays. (Ord. 1963, ch. 1576, § 2)

Sec. 15-56. Establishment on portion of Weybosset Street.

There is hereby established on that portion of Weybosset Street, beginning at the intersection of Empire Street and

*Charter reference—Powers of city, § 2.1 et seq.

Cross references—Traffic engineering department, § 2-151 et seq.; superintendent of vehicles, § 2-219 et seq.; motor bus regulations, § 24-47 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; regulation of motor and other vehicles, Title 31, Gen. Laws 1956.

running to the intersection of Eddy Street on the right-hand side, a lane not less than ten (10) feet wide nor more than twelve (12) feet wide measured from the curbline of said Weybosset Street, which shall be for the exclusive use of intrastate buses and vehicles making right turns during the periods from 7:00 a.m. to 10:00 a.m., inclusive, and from 1:00 p.m. to 10:00 p.m., inclusive, on weekdays. (Ord. 1963, ch. 1576, § 3)

Sec. 15-57. Establishment on portion of Empire Street.

There is hereby established on that portion of Empire Street, beginning at the intersection of Washington Street and running to the intersection of Weybosset and Broad Streets on the right-hand side, a lane not less than ten (10) feet wide nor more than twelve (12) feet wide measured from the curbline of said Empire Street, which shall be for the exclusive use of intrastate buses and vehicles making right turns during the periods from 7:00 a.m. to 10:00 a.m., inclusive, and from 1:00 p.m. to 10:00 p.m., inclusive, on weekdays. (Ord. 1963, ch. 1576, § 4)

Sec. 15-58. Signs, markings, other devices to designate lanes.

The traffic engineer of the city is hereby directed to appropriately mark by erected signs, pavement markings, and/or other means those bus lanes established by this article. (Ord. 1963, ch. 1576, § 5)

Sec. 15-59. Removal of vehicles parked, standing in violation of article.

Any vehicle either parked or left standing in violation of the regulations established by this article may be towed away by any authorized towing agency at the expense of the owner, fees chargeable therefor to be the same as set forth in section 15-22. (Ord. 1963, ch. 1576, § 7)

Secs. 15-60—15-69. Reserved.

Article V. Bicycles*

Sec. 15-70. Speed of bicycles.

No person using any bicycle, tricycle, tandem bicycle, or other such vehicle, shall ride or drive the same at a speed faster than a common traveling pace in any portion of the city. (Ord. 1926, ch. 521, § 1; Rev. Ords. 1946, ch. 6, § 2)

Sec. 15-71. Operating bicycles abreast.

Not more than two (2) bicycles, tricycles, tandem bicycles, or other such vehicles, shall be operated abreast of each other. (Ord. 1926, ch. 521, § 1; Rev. Ords. 1946, ch. 6, § 2)

Sec. 15-72. Mode of riding bicycles.

No person riding any bicycle, tricycle, tandem bicycle, or other such vehicle shall remove his feet from the pedals, except in case of accident or for the purpose of braking or dismounting. Every person riding any such vehicle shall at all times keep at least one hand upon the handlebar, and, except as aforesaid, both feet upon the pedals, in order to retain complete control of such vehicle. (Ord. 1926, ch. 521, § 1; Rev. Ords. 1946, ch. 6, § 2)

Sec. 15-73. Carrying passenger on bicycle.

No person while riding any bicycle shall allow any other person to be carried upon any part of such bicycle. (Ord. 1926, ch. 521, § 1; Rev. Ords. 1946, ch. 6, § 2)

Sec. 15-74. Signal bells on bicycles.

Every person propelling any bicycle, tricycle, tandem bicycle, or other such vehicle, in any public highway or in any public park, square or street in the city, shall cause a signal bell to be attached thereto and shall use the same for the purpose of giving warning of its approach. Such signal bell shall be capable of being heard a distance of not less than two hundred and fifty (250) feet, and shall be so

*Charter reference—Powers of city, § 2.1 et seq.
Cross references—Traffic engineering department, § 2-151 et seq.; riding and driving in parks, §§ 18-4—18-6.

attached to the handlebar that it can be positively and directly operated by the fingers of one hand of the rider without removing such hand from the handlebar. Such signal bell shall always be sounded with several rapid strokes whenever the rider is approaching any person or any vehicle, and shall be used in all cases where there is any danger of collision. (Ord. 1914, ch. 30, § 16; Rev. Ords. 1946, ch. 6, § 1)

Cross reference—Noise generally, § 16-10 et seq.

State law reference—Use of sirens prohibited, § 31-23-9, Gen. Laws 1956.

Sec. 15-75. Renting bicycles to minors.

No person engaged in the business of renting bicycles for hire in the city shall rent the same to any minor under the age of sixteen (16) years without the written consent of either parent or the legal guardian of such minor, and every such person engaged in said business who rents a bicycle to any minor under the age of sixteen (16) years shall keep on file for the inspection of any police officer in the city said written consent. (Ord. 1938, ch. 954, § 1; Rev. Ords. 1946, ch. 6, § 3)

Secs. 15-76—15-85. Reserved.

Article VI. Municipal Garage*

Sec. 15-86. General authority of purchasing agent.

The purchasing agent shall control and manage the municipal garage, located at the city yard, and the operation thereof. He may employ a superintendent, such mechanics, clerks and assistants as may be necessary for the care, maintenance and operation thereof. He shall make rules regarding the use of such garage, the assignment of cars to the various departments of the city government for the uses of said departments and to the municipal garage for general use and the control of chauffeurs who operate cars housed in

*Charter reference—Powers of city, § 2.1 et seq.

Cross references—Traffic engineering department, § 2-151 et seq.; regulation of commercial parking lots, § 14-64 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; regulation of motor and other vehicles, Title 31, Gen. Laws 1956.

said garage. Such rules shall be posted in a conspicuous place in said garage. (Ord. 1942, ch. 1158, § 1; Rev. Ords. 1946, ch. 22, § 1)

Sec. 15-87. Vehicles stored in municipal garage.

All motor vehicles belonging to the city, except vehicles used by the Dexter Donation, city hospital, fire department, North Burial Ground, park department, police department and such motor vehicles of the water supply board as are ordinarily stored at Scituate, shall be stored and kept in the municipal garage except when in necessary use on business of the city; provided however, that the purchasing agent may permit in special cases motor vehicles required by the provisions hereof to be stored in the municipal garage to be stored and kept in other designated garages. (Ord. 1942, ch. 1158, § 2; Rev. Ords. 1946, ch. 22, § 2)

Sec. 15-88. Maintenance of vehicles; accounting; charging department with expense items.

The purchasing agent shall keep all motor vehicles stored or kept in said municipal garage in as good condition and repair as is possible and shall provide everything necessary to do so, including parts and tires, and shall also furnish all gasoline, oil, grease or other substances necessary for operation of said motor vehicles. Said purchasing agent, under the direction of the city controller, shall install and maintain a proper system of accounting therefor. Any department using or storing vehicles in said garage shall be charged with all proper items of expense arising out of the storage, use or upkeep of any vehicle or vehicles assigned to it, and suitable charges shall be made to the various departments using cars otherwise assigned. (Ord. 1942, ch. 1158, § 3; Rev. Ords. 1946, ch. 22, § 3)

Sec. 15-89. Municipal garage revolving fund; approval, purpose.

The municipal garage revolving fund established by Resolution 360, approved December 23, 1941, is hereby ratified

and approved. Said fund shall be permanently held and maintained by the city treasurer as a separate fund of the city for the purpose of financing all proper charges against the several departments for storage, maintenance and upkeep of motor vehicles. (Ord. 1942, ch. 1158, § 4; Rev. Ords. 1946, ch. 22, § 4)

Sec. 15-90. Action upon charges for labor, material, supplies and services.

Each month the superintendent of the municipal garage shall make out appropriate charges for labor, material, supplies and services rendered to the different departments based upon proper requisition or order and submit these bills to the purchasing agent for action. The purchasing agent shall review the charges and upon approval by him he shall submit same to the city controller and send a copy of the approved charges to the department against which the said charges have been made. (Ord. 1942, ch. 1158, § 5; Rev. Ords. 1946, ch. 22, § 5)

Sec. 15-91. Reimbursement of municipal garage revolving fund.

Upon receipt of charges approved by the purchasing agent as provided in section 15-90, the city controller is directed to take appropriate action forthwith to reimburse the municipal garage revolving fund from the proper accounts of the departments against which said charges have been made with the amounts approved by said purchasing agent. (Ord. 1942, ch. 1158, § 6; Rev. Ords. 1946, ch. 22, § 6)

Sec. 15-92. Statement of value of material on hand.

At the close of the fiscal year the purchasing agent shall file with the city controller a statement of the value of the materials on hand and of work performed and materials furnished for which payment is due as of September 30. (Ord. 1942, ch. 1158, § 7; Rev. Ords. 1946, ch. 22, § 7)

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Chapter 16

OFFENSES AND MISCELLANEOUS PROVISIONS*

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Sec. 16-2. Assemblages, demonstrations at War Memorial monument.
Sec. 16-3. Disorderly and indecent conduct.
Sec. 16-4. Malicious injury—Fences, posts, trees.
Sec. 16-5. Same—Reward for apprehension of person violating section 16-4.
Sec. 16-6. Same—Lights.
Sec. 16-7. Same—Drinking fountains and urinals.
Sec. 16-8. Minors—Sale of cigarettes, tobacco, restricted; notice required.
Sec. 16-9. Same—Sale, delivery of model airplane glue prohibited.
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Sec. 16-13. Obstructing doorways.
Sec. 16-14. Smoking on buses.
Sec. 16-15. Spitting.
Sec. 16-16. Swimming or bathing—Proper attire required.
Sec. 16-17. Same—Prohibited in certain waters.

Sec. 16-1. Abandoned or unattended refrigerators, other receptacles.

It shall be unlawful for any person, firm or corporation to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, snap lock or other locking device thereon without first removing the said door, snap lock or lock from said icebox, refrigerator or container. (Ch. 23, § 3.1, added by Ord. 1953, ch. 794, § 1)

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*Charter references—Powers of city, § 2.1 et seq.; departments of police and fire, commissioner of public safety, etc., § 5.8 et seq.

Cross references—Closing hours for commercial establishments, § 14-1; regulation of auctions and auctioneers, § 14-222 et seq.; bootblacks and newsboys, § 14-43 et seq.; commercial parking lots, § 14-64 et seq.; engineers and boiler operators, § 14-85 et seq.; intelligence offices, § 14-109 et seq.; junk and secondhand dealers, § 14-127 et seq.; pawnbrokers, § 14-155 et seq.; peddlers and hawkers, § 14-171 et seq.; shows and other amusements, § 14-193 et seq.; obstructing streets by persons congregating, § 23-28; expulsion of disorderly persons from bathhouses, etc., § 23-48; acceptance of P.L. 1912, ch. 807, Act to provide for abatement of smoke in cities of twenty thousand or more inhabitants, Ord. of 1914, ch. 32.

State law references—Special act authorizing certain police officers to give personal recognizance upon complaint for criminal offenses, P.L. 1929, ch. 1437; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 16-2. Assemblages, demonstrations at War Memorial monument.

No group of persons shall assemble on any part of the World War Memorial monument in Memorial Square or on the sidewalk surrounding the same for the purpose of making or participating in a demonstration or public exercises of any kind and no person shall address any such group or gathering from any part of said monument or the sidewalk surrounding the same; provided however, that memorial or patriotic exercises intimately associated with the purpose for which the monument was erected, may be held at any time at said monument upon the written approval of the mayor. (Ord. 1930, ch. 772, § 1; Rev. Ords. 1946, ch. 23, § 21)

Sec. 16-3. Disorderly and indecent conduct.

It shall be unlawful for any person to revel, commit any nuisance or mischief, quarrel or otherwise behave in an indecent or disorderly manner, in any of the public buildings, halls, railroad stations, places of amusement, churches, public school estates, streets, highways, public bridges, wharves or public lands, burial grounds, public parks or grounds set apart for public purposes, to the disturbance or annoyance of the peaceable inhabitants of the city, or any portion of them, or to aid, assist, encourage or promote the same to be done by any other person. (Ord. 1914, ch. 54, § 1; Rev. Ords. 1946, ch. 23, § 1)

State law references—Offenses against decency, §§ 11-2-1, 11-3-4, 11-6-1—11-6-4, 11-9-11—11-9-15, 11-10-1, 11-11-15, 11-11-6, 11-20-1, 11-20-2, 11-34-1—11-34-7, chs. 11-40, 11-45, Gen. Laws 1956; offenses against public peace, §§ 11-11-1, 11-11-3, 11-11-4, 11-38-1—11-38-4, 11-44-12—11-44-14, 11-44-21, 11-47-37, 11-47-38, 45-15-13—45-15-15, Gen. Laws 1956.

Sec. 16-4. Malicious injury—Fences, posts, trees.

It shall be unlawful for any person maliciously, wantonly or carelessly to daub with paint, cut, break, or otherwise injure, or by scratching or writing with paint, blacking, chalk, or in any other way or manner, to deface any post, lamppost, fence, tree, tree box, house or other building, situate in or upon any street, highway, bridge, wharf or public

place or ground set apart for public purposes in the city, or any ornament or appurtenance of such post, lamppost, fence, tree, tree box, house or other building. (Ord. 1914, ch. 35, § 2; Rev. Ords. 1946, ch. 23, § 3)

Cross references—Injury to monuments, trees, etc., in North Burial Ground, § 6-35; injuring fire hose or apparatus, § 9-6; lying on or overturning park seats, tampering with park property, throwing stones, etc., in parks, § 18-14 et seq.

State law reference—Maliciously injuring plants, buildings, fences, etc., § 11-44-2, Gen. Laws 1956.

Sec. 16-5. Same—Reward for apprehension of person violating section 16-4.

(a) *Authorized.* The mayor of the city is hereby authorized to offer a suitable reward, not to exceed the sum of one hundred dollars ($100.00) in any one case, for any information leading to the detection, apprehension and conviction of any offender or offenders violating the provisions of section 16-4.

(b) *Payment.* Said reward shall be paid by the city treasurer upon the order of the city controller, and said city controller shall draw said order for payment whenever he shall receive a certificate of final conviction from the justice or clerk of the court before which said offender or offenders were tried. (Ord. 1914, ch. 35, § 2; Rev. Ords. 1946, ch. 23, § 3; Ord. 1966, ch. 1778, § 1)

Sec. 16-6. Same—Lights.

It shall be unlawful for any person maliciously, wantonly or carelessly, to break, throw down, extinguish or otherwise injure any light, erected for the purpose of lighting any street, highway, bridge, wharf or public place or ground set apart for public purposes in the city, whether the same shall have been erected by the city or any other corporation, or by any individual. (Ord. 1914, ch. 35, § 1; Rev. Ords. 1946, ch. 23, § 4)

Sec. 16-7. Same—Drinking fountains and urinals.

It shall be unlawful for any person to deface or defile, or in any way wilfully injure or damage, any public drinking

fountain, or watering trough, or any public urinal, in the city, or any appurtenances thereof, or any pipes leading thereto or therefrom, or to waste the water supplied thereto. (Ord. 1914, ch. 35, § 3; Rev. Ords. 1946, ch. 23, § 2)

Sec. 16-8. Minors—Sale of cigarettes, tobacco, restricted; notice required.

(a) *Vending machines.* The owner, lessor, lessee or custodian of any cigarette vending machine now or hereafter located in any place within the city for the purpose of dispensing cigarettes shall prominently display on the front thereof a copy of Chapters 11-9-13 and 11-9-14 in a type size of not less than twelve (12) point.

(b) *Dealers.* The owner, lessor, lessee, operator or any person selling cigarettes and tobacco products, shall prominently display or cause to be displayed in or upon the tobacco counter where cigarette or tobacco products are kept or sold or, if there be no counter at the place where such products are dispensed, a copy of Chapters 11-9-13 and 11-9-14 in a type size of not less than twelve (12) point. (Ord. 1964, ch. 1591, §§ 1, 2)

Cross references—Permits to minors over sixteen years of age, under sixteen years of age, to act as bootblacks and newsboys, §§ 14-45, 14-46; junk dealers doing business with minors, § 14-141; renting bicycles to minors, § 15-75.

Sec. 16-9. Same—Sale, delivery of model airplane glue prohibited.

(a) No person shall sell or otherwise deliver or cause to be sold or delivered to any person under the age of twenty-one (21) years any model airplane glue.

(b) No person having possession of any model airplane glue shall deliver possession thereof to any person under the age of twenty-one (21) years knowing or having reasonable cause to believe that the same will be used as an inhalant. (Ord. 1962, ch. 1499, §§ 1, 2)

Cross references—Junk dealers doing business with minors, § 14-141; renting bicycles to minors, § 15-75.

Sec. 16-10. Noise—Prohibited generally.

Any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. (Ord. 1942, ch. 1122, § 1; Rev. Ords. 1946, ch. 23, § 5)

Cross references—Unnecessary noise in hospital quiet zone, § 12-10; ringing bells for sales, § 14-9; hawking and shouting by hawkers and peddlers, §§ 14-178, 14-179; signal bells on bicycles, § 15-74.

Sec. 16-11. Same—Sounding of horn or signal device of vehicle.

The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while not in motion is declared to be a loud, disturbing and unnecessary noise and is prohibited, except when such horn or signal device is sounded as a danger signal if another vehicle is approaching apparently out of control. (Ord. 1942, ch. 1122, § 2; Rev. Ords. 1946, ch. 23, § 6)

Cross references—Unnecessary noise in hospital quiet zone, § 12-10; ringing bells for sales, § 14-9; signal bells on bicycles, § 15-74.

Sec. 16-12. Same—Sounding horn, signal device for unnecessary period.

The creation by means of any horn or signal device of any unreasonable or harsh sound and the sounding of such device for an unnecessary or unreasonable period of time is hereby declared to be a loud, disturbing and unnecessary noise in violation of section 16-10 hereof. (Ord. 1942, ch. 1122, § 3; Rev. Ords. 1946, ch. 23, § 7)

Cross references—Unnecessary noise in hospital quiet zone, § 12-10; ringing bells for sales, § 14-9; signal bells on bicycles, § 15-74.

Sec. 16-13. Obstructing doorways.

No person shall be or remain upon any doorstep of or other projection from any building, so as to annoy or disturb any person, nor shall any person obstruct any passage to the same or the appurtenances thereof. Every person so being or remaining, when ordered by the mayor, chief of police or any policeman, or by the owner or occupant of

said building, to remove, shall immediately peaceably depart and stay away therefrom. (Ord. 1914, ch. 30, § 11; Rev. Ords. 1946, ch. 23, § 8)

Sec. 16-14. Smoking on buses.

No person shall enter into or ride upon any bus in the city, operated for the transportation of passengers, smoking or carrying any lighted or smouldering pipe, cigar or cigarette except upon a chartered or private bus. (Ord. 1943, ch. 1199, § 1; Rev. Ords. 1946, ch. 23, § 14)

Sec. 16-15. Spitting.

No person shall spit on any sidewalk, or in any church, theatre, grocery, market, store or building frequented by the public, and no person shall spit upon or in any railway station, public building, vessel, railway car, bus terminal, bus or licensed vehicle. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 23, § 15)

State law reference—Spitting in public places, §§ 23-9-15, 23-9-16, Gen. Laws 1956.

Sec. 16-16. Swimming or bathing—Proper attire required.

No person shall, for the purpose of swimming or bathing, unless properly clothed, enter into any of the waters of the harbor, rivers, ponds, public swimming pools, or other waters lying within the limits of the city. (Ord. 1914, ch. 3, § 1; Rev. Ords. 1946, ch. 23, § 17)

Cross reference—Parks and recreation, § 18-1 et seq.
State law reference—Power of city to prohibit indecent exposure of bathers, § 45-6-1, Gen. Laws 1956.

Sec. 16-17. Same—Prohibited in certain waters.

No person shall, for the purpose of swimming or bathing, enter into the waters of the harbor between Crawford Street Bridge and Fox Point, nor into any of the waters of any park. (Ord. 1941, ch. 3, § 2; Rev. Ords. 1946, ch. 23, § 18)

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Chapter 17

OFFICERS AND EMPLOYEES*

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*Charter references—Powers of city, § 2.1 et seq.; authority, power to establish and maintain civil service system, § 2.10; elective officers designated, § 3.1; elections of mayor, councilmen, § 3.2; terms of office, § 3.3; vacancies, § 3.4; engagement by mayor and council, § 3.5; authority, compensation, powers and duties of mayor, §§ 3.6, 3.7; salaries of councilmen, § 3.10; organization, etc., of council, § 3.11 et seq.; appointive officers and employees, § 4.1 et seq.; departments, boards, bureaus and commissions, § 5.1 et seq.; provisions pertaining to personnel, personnel director, etc., § 6.33 et seq.

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State law references—Full treatment of law of state as to city officials, chs. 45-4—45-8, 45-16, 45-17, 13-5, 29-4-4—29-4-8, Gen. Laws 1956; special act relative to retirement of employees of city, P.L. 1923, ch. 489, as amended by P.L. 1926, ch. 873.

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Article I. In General

Sec. 17-1. Enumeration and terms of office.

The city council shall elect on the first Monday in January biennially, in every odd-numbered year, the following officers, namely: One or more viewers of fences; a poundkeeper at the Dexter Asylum, and a poundkeeper at Roger Williams Park; three or more port wardens; one or more packers of fish; a public administrator; an inspector of saleratus, bicarbonate of soda and cream of tartar; an inspector of chain cables; an inspector of beef and pork; a sealer of leather; one or more inspectors of hoops; one or more surveyors and corders of wood; one or more surveyors and measurers of stone; one or more inspectors and measurers of carpenters', masons' and painters' work; two or more measurers of grain, meal, salt and sea coal; one or more weighers of cotton; one or more appraisers of damage under the dog law; one or more auctioneers; a fire marshal; a superintendent of the burial of deceased soldiers and sailors; six or more cattle weighers; one or more weighers of coal and other articles of merchandise. (Ord. 1914, ch. 38, § 4; Rev. Ords. 1946, ch. 2, § 157)

Sec. 17-2. Commissions issued by city clerk.

A commission shall be issued by the city clerk to any person elected to any of the offices enumerated in this article. (Ord. 1914, ch. 38, § 6; Rev. Ords. 1946, ch. 2, § 158)

Sec. 17-3. Fees for licenses and commissions.

The following fees are hereby established and fixed to be paid quadrenially for licenses and commissions issued to the following officers elected by the city council, viz.:

Auctioneers, each, two hundred dollars ($200.00).

Appraisers of damage under the dog law, each, two dollars ($2.00).

Deputy surveyors of lumber, each, four dollars ($4.00).
Inspector of beef and pork, two dollars ($2.00).
Inspector of chain cables, two dollars ($2.00).
Inspector of pot and pearl ashes, two dollars ($2.00).
Inspector of saleratus, bicarbonate of soda and cream of tartar, two dollars ($2.00).
Inspectors and measurers of carpenters', masons' and painters' work, each, two dollars ($2.00).
Measurers of grain, salt and sea coal, each, two dollars ($2.00).
Measurers and surveyors of stone, each, two dollars ($2.00).
Packers of fish, each, two dollars ($2.00).
Port wardens, each, two dollars ($2.00).
Poundkeepers, each, two dollars ($2.00).
Public administrator, ten dollars ($10.00).
Sealer of leather, two dollars ($2.00).
Surveyor of lumber, ten dollars ($10.00).
Surveyors and corders of wood, each, two dollars ($2.00).
Viewers of fences, each, two dollars ($2.00).
Viewer of hoops, two dollars ($2.00).
Weighers of cotton, each, two dollars ($2.00).
Weighers of coal and other merchandise, each, two dollars ($2.00).

(Ord. 1914, ch. 34, § 1; Rules of Bd. of Ald., ch. 2, r. 18; Rev. Ords. 1946, ch. 2, § 159)

State law reference—Authority to charge and collect for licenses and commissions issued to officers, § 45-5-10, Gen. Laws 1956.

Sec. 17-4. Collection of fees for licenses, commissions.

The city collector is hereby directed to charge and collect the fees prescribed in section 17-3 of each officer named in the list therein. Upon the presentation of the receipt of the city collector showing that such fees have been paid by said officers, the city clerk shall forthwith issue to such officer named in said receipt the license or commission to which he shall be entitled. (Ord. 1914, ch. 34, § 2; Rev. Ords. 1946, ch. 2, § 160)

Sec. 17-5. Qualifying and giving bond.

Every officer of the city elected or appointed by the city council or whose appointment is subject to approval or confirmation by the city council shall, except as otherwise expressly provided by law, duly qualify by taking his engagement and giving any required bond within thirty (30) days from and after the date of his election or appointment or the date of such approval or confirmation, and in case he shall fail to qualify as aforesaid, his election or appointment, upon the expiration of said thirty (30) days, shall be null and void. (Ord. 1914, ch. 38, § 9; Rev. Ords. 1946, ch. 2, § 161)

Cross reference—Bonds generally, § 17-36 et seq.

Sec. 17-6. Heads of departments to keep lists of employees.

The head of each and every department of the city government is hereby required to prepare and keep on file in his office a list of the names and addresses of all persons in his department engaged in the employ of the city. (Ord. 1933, ch. 860, § 1; Rev. Ords. 1946, ch. 2, § 169)

Sec. 17-7. Employees to be residents; exceptions.

No person shall be employed in any of the departments of the city government unless such person be a resident of the city; provided that this section shall not apply to minors who are actual residents of the city, nor to employees of the waterworks department engaged outside of the city limits who are citizens of the state; and further provided, that in case of an emergency or where the best interest of the city may so require, the head of any department may employ any person unrestricted by the within limitations for such time and under such conditions as shall be approved by the mayor in writing. (Ord. 1931, ch. 801, § 1; Rev. Ords. 1946, ch. 2, § 167; Ord. 1947, ch. 1582, § 1)

Sec. 17-8. Restriction on employment of persons drawing city pension.

No person receiving a pension from the city or from any pension fund to which the city contributes, shall be regularly

employed in or by any department of the city, with pay or compensation for his work or services payable from the city treasury, unless he first shall waive in writing his right to receive such pension or part thereof accruing for or during the period of such employment, and shall file such waiver or a copy thereof in the office of the city controller. (Ord. 1915, ch. 68, § 1; Rev. Ords. 1946, ch. 2, § 168)

Sec. 17-9. Veterans of armed forces, return to city employment.

(a) *Generally.* Any person who is or was regularly employed by the city at the time of his induction or enlistment in the armed forces of the United States, who in the judgment of those in authority over him while in said forces, satisfactorily completes his period of training and service, and receives a certificate or statement to that effect, shall at his request be restored to his said employment or to a position of like seniority status and pay. Said employee shall make his request for such restoration of employment within forty (40) days after he is relieved from such training and service.

(b) *Reserves.* Any person regularly employed by the city who is a member of any reserve component of the armed forces of the United States, and is or has been assigned to active duty, who in the judgment of those in authority over him while in said active duty, satisfactorily completes such active duty and receives a certificate or statement to that effect, shall at his request be restored to his said employment or to a position of like seniority status and pay. Said employee shall make his request for such restoration of employment within forty (40) days after he is relieved from such training and service. (Ch. 2, § 176.1, added by Ord. 1950, ch. 419, §§ 1, 2)

Sec. 17-10. Departments may establish five-day week.

The heads of the several city departments are hereby permitted to establish a five (5) day week for the officers and employees in their several departments. (Ord. 1938, ch. 963, § 1; Rev. Ords. 1946, ch. 2, § 163)

Sec. 17-11. Establishment of basic workweek in certain departments.

The director of public works, the superintendent of public buildings and the board of park commissioners are hereby authorized to establish a basic workweek for all employees in their respective departments who are not classified employees. (Ord. 1937, ch. 943, § 2; Rev. Ords. 1946, ch. 2, § 162)

Sec. 17-12. Workweek—Prescribed.

For the purposes of this chapter a workweek shall constitute that seven (7) day period beginning at 12:00 midnight Sunday and ending at 12:00 midnight one hundred sixty-eight (168) hours later, except that the workweek for the garbage collection and disposal units shall begin at 11:00 p.m. Saturday and end at 11:00 p.m. one hundred sixty-eight (168) hours later. (Ch. 2, § 162.1, added by Ord. 1947, ch. 1711, § 1)

Sec. 17-13. Same—Standard hours and days of work per week prescribed.

(a) *Hourly pay.* The standard hours of employment in any one workweek for all permanent employees of the city, except watchmen and school department employees, whose pay is established on an hourly basis in the city compensation plan, and except as otherwise provided in said plan, shall be forty (40) hours.

(b) *Daily pay.* The standard workweek of employment in any one workweek for all permanent employees of the city whose pay is established on a daily basis in the city compensation plan shall be five (5) days and the five (5) day workweek may be any five (5) days of the seven (7) day week as may be determined by the heads of the individual departments. (Ch. 2, § 162.2, added by Ord. 1947, ch. 1711, § 2; Ord. 1953, ch. 764, § 1; Ord. 1955, ch. 932, § 1; Ord. 1960, ch. 1355, § 1)

Sec. 17-14. Same—Distribution of hours as to days.

The periods of time defined in section 17-13 as standard hours of employment in any one workweek may be distributed over five, (5), six (6) or seven (7) days of the workweek at the discretion of the heads of the individual departments. (Ch. 2, § 162.3, added by Ord. 1947, ch. 1711, § 3)

Sec. 17-15. Day and night force for fire department.

(a) The officers and members of the uniform fire-fighting force of the city shall be divided by the commissioner of public safety into platoons, which shall be designated as a day force and a night force, and said day force and night force shall alternate on tours of duty every third day.

(b) The hours of duty of the day force shall be from 8:00 a.m. to 6:00 p.m. and the hours of duty of the night force shall be from 6:00 p.m. to 8:00 a.m. of the following day; provided, that on every third day, for the purpose of alternating the day force with the night force and vice versa, the number of hours of duty herein stated shall be increased to twenty-four (24), but one force shall be at liberty at all times except as otherwise herein provided. Members of such fire-fighting force off duty shall be required to report for duty with their respective companies whenever a third or subsequent alarm is sounded.

(c) The commissioner of public safety may require members of the off-shift force to perform such work in connection with cleaning fire hydrants of snow and ice due to severe weather conditions as in his opinion may be necessary. (Ord. 1923, ch. 360, § 4; Rev. Ords. 1946, ch. 12, § 7)

State law reference—P.L. 1914, c. 1110, provided for one day off out of every five days for department members, but this chapter was amended by P.L. 1923, c. 2369, so that it would not apply in Providence during time two platoon or two shift system is in effect.

Sec. 17-16. Firemen not to engage in other employment.

The commissioner of public safety as head of the fire department shall make suitable rules and regulations prohibit-

ing the members of the fire-fighting force from accepting employment in any other gainful occupation. (Ord. 1923, ch. 360, § 4; Rev. Ords. 1946, ch. 12, § 8)

Sec. 17-17. Grant of leave of absence without pay.

The heads of the several departments, subject to the approval of the committee on finance, may grant to employees in their respective departments extended leave of absence without pay without affecting the standing of the employees. During the absence of such employees on leave of absence, the heads of departments may employ temporary assistants to fill the positions thus vacated. (Ord. 1921, ch. 288, § 1; Rev. Ords. 1946, ch. 2, § 166)

Sec. 17-18. Leave of absence for educational training.

(a) *Generally.* The city council committee on finance may authorize an educational leave of absence at one-half (½) pay to any regular full-time employee of the city (except school department employees) who has been so employed for at least two (2) years and who is engaged in specialized or technical work. Such educational leave shall be for the purpose of receiving specialized advanced training in the field of his employment with the city, so that he may perform his duties to the greater advantage of the city. The period of such educational leave shall not exceed nine (9) months and no more than one employee may be on educational leave from the same department at the same time. Such educational leave shall be granted only when a qualified person with the required special training is not otherwise readily available. During such leave, said employee shall be continued on the payroll of his department with all rights and privileges except disability benefits. Department heads may employ temporary help to perform the duties of the individual on leave.

(b) *Approval required.* Requests for educational leaves of absence shall be granted only if the department head of the applicant approves the application, certifies as to his eligibility hereunder and such application is approved by the mayor.

(c) *Bond required.* Prior to authorization of any such leave of absence for educational purposes, the employee shall furnish to the city in such manner and form as the city solicitor shall require a bond or other satisfactory written assurance that upon termination of his leave, he will return to and continue employment with the city for at least two (2) years immediately after such termination of leave, or that he will reimburse the city for any moneys paid to him during such educational leave.

(d) *Rules and regulations.* Except as hereinabove provided, the finance committee shall establish all rules and regulations governing such educational leaves of absence and its decision on all matters pertaining to the same shall be final. (Ch. 2, § 176.4, added by Ord. 1959, ch. 1293, §§ 1, 2)

Sec. 17-19. Leave of absence for veterans' conventions.

(a) *Authorized.* All departmental heads of the city are authorized to permit leaves of absence, without loss of salary or other authorized benefits, for employees within their respective departments, who served in the armed forces of the United States of America and have been honorably discharged, are members in good standing of veterans' organizations chartered by the Congress of the United States of America, and who desire to attend one of their respective national conventions.

(b) *Regulated.* There shall be a special committee consisting of three (3) members of the city council, its members to be appointed by the president of the city council, for the purpose of verifying the service, honorable discharge and membership in good standing in said veterans' organizations and to further determine and to grant reasonable travel time to and from the respective cities wherein said national conventions are scheduled to be held. (Res. No. 178, 3-22-66)

Sec. 17-20. Uniform identification card—Required.

Every officer or employee of the city whose duty it shall be to visit private residences, buildings and/or premises for

the purposes of making any inspection or examination or for any official reason in which the city has any interest shall be provided by the personnel director with a uniform identification card. (Ord. 126, ch. 504, § 1; Rev. Ords. 1946, ch. 2, § 172; Ord. 1961, ch. 1406, § 1)

Sec. 17-21. Same—Size, color, contents.

(a) The official identification card provided for in section 17-20 shall be three and three-quarters (3¾) inches long; two and one-half (2½) inches wide, of a light blue color, upon the face of which shall be imprinted, in a darker blue color, the facsimile of the seal of the city as provided in section 2-335 of this Code of Ordinances.

(b) Within a space of one and one-eighth (1⅛) inches long by one and one-half (1½) inches wide of the upper left side of the face of said card shall be placed a recent photograph of the said officer or employee, and in an orderly arrangement, in a darker color, in order to make distinguishable, the following shall be imprinted:

CITY OF PROVIDENCE, No.
RHODE ISLAND

WHOSE IDENTIFICATION IS AFFIXED
HERETO IS AN EMPLOYEE OF THE
CITY OF PROVIDENCE, RHODE ISLAND

--- ---

Office Department Head

(c) The backside of the card shall be designed as follows: The left side shall bear a vertical line over the word "signature" with sufficient space between said line and the left edge of card for the affixation of the bearer's signature which shall be affixed thereunto. Within a space one and one-quarter (1¼) inches square at the lower right portion shall be placed the imprint of the right thumb of the bearer and said card shall contain the following additional information:

HEIGHT WEIGHT
EYES HAIR
ISSUED AT

Date

Signature

(d) Each such official identification card shall bear a numeral assigned by the personnel director on the right upper side of the face of said card; and when completed as herein provided, shall be sealed by a lamination process. (Ord. 1926, ch. 504, § 2; Rev. Ords. 1946, ch. 2, § 173; Ord. 1961, ch. 1406, § 1)

Sec. 17-22. Same—Record to be kept by personnel director.

The personnel director shall maintain within his office a record book which shall be available for public inspection, upon demand, during regular business hours. Said record book shall contain an alphabetical index for posting of last names, first names, and middle initials, if any, and a numerical system which shall correspond with a numeral assigned and marked on the identification card required in section 17-20. (Ord. 1926, ch. 504, § 1; Rev. Ords. 1946, ch. 2, § 172; Ord. 1961, ch. 1406, § 1)

Sec. 17-23. Same—Application to members of police, fire departments.

The provisions of sections 17-20 through 17-22 shall not abridge the privilege of the members of the police and of the fire departments from displaying badges issued by the commissioner of public safety, but said commissioner may comply with said provisions if he deems it is to the best interest of the police and fire departments. (Ch. 2, § 173.1, added by Ord. 1961, ch. 1406, § 1)

Sec. 17-24. Same—Counterfeiting, tampering, misusing cards.

It shall be unlawful for any person falsely to engrave, make, alter, forge, or counterfeit or procure to be falsely

engraved, made, or altered, forged or counterfeited any uniform identification card as required in section 17-20 with intent to defraud, or knowingly to possess any such engraved, altered, forged or counterfeited uniform identification card or to use any such identification card whether genuine, engraved, altered, forged or counterfeited for an illegal purpose or with intent to defraud. (Ch. 2, § 173.2, added by Ord. 1961, ch. 1406, § 1)

Sec. 17-25. Duties of inspector of provisions.

The duties of the inspector of provisions shall be such as are or may be at any time prescribed by rules and regulations of the council acting as a board of health, not repugnant to any law of the state or ordinance of the city. (Ord. 1914, ch. 38, § 26; Rev. Ords. 1946, ch. 2, § 154)

Sec. 17-26. Grounds for revocation of appointment of constables.

Any of the acts enumerated below will be good cause for the revocation of the appointment of the constables found guilty thereof:

(a) Soliciting or taking, for himself or others, bills, accounts or other debts for collection, or in anywise, other than by the service of legal process, engaging in the business of collecting.

(b) Making or having any engagement with any lawyer, for participating or sharing with them in any fee for the collection of any debt.

(c) Charging or taking for the service of any legal process less or greater fees than the fees fixed by statute therefor.

(d) The violation of the provisions of the statutes in relation to the duties of constables. (Rules of Bd. of Ald., ch. 3, r. 1; Rev. Ords. 1946, ch. 2, § 156)

Secs. 17-27—17-35. Reserved.

Article II. Bonds*

Sec. 17-36. Enumeration and amount.

The several city officers and employees hereinafter named shall give bond to the city in the penal sums following, to wit:

Chief of police	$ 3,000.00
City clerk	5,000.00
First deputy city clerk	1,000.00
Second deputy city clerk	1,000.00
City collector	60,000.00
Assistant city collector	40,000.00
City controller	5,000.00
First deputy city controller	5,000.00
Second deputy city controller	5,000.00
City registrar	2,500.00
City sergeant	1,000.00
Deputy city sergeant	1,000.00
City treasurer	25,000.00
Deputy city treasurer	10,000.00
Clerk of the municipal court	3,000.00
Deputy clerk of the municipal court	1,000.00
Director of public aid	2,000.00
Deputy director of public aid	2,000.00
Director of public works	10,000.00
Deputy director of public works	10,000.00
Finance director	10,000.00
Inspector of buildings	1,000.00
Justices of the police court, each	5,000.00
Clerk of the police court	5,000.00
Deputy clerk of the police court	5,000.00
Recorder of deeds	3,000.00
Deputy recorder of deeds	3,000.00
Revenue administrator	10,000.00
Superintendent of city hospital	2,500.00
Superintendent of North Burial Ground	2,500.00

*Cross references—Member of city government not to act as surety, § 2-5; bond of superintendent of North Burial Ground, § 6-22.

State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Superintendent of public buildings	5,000.00
Superintendent of public parks	1,000.00
Superintendent of weights and measures	5,000.00
First deputy city weigher	1,000.00
Second deputy city weigher	1,000.00
First deputy sealer of weights and measures	1,000.00
Second deputy sealer of weights and measures	1,000.00

(Ord. 1914, ch. 37, § 1; Ord. 1929, ch. 713, § 1; Ord. 1945, ch. 1364, § 1; Ord. 1945, ch. 1401, § 1; Rev. Ords. 1946, ch. 2, § 180; Ord. 1947, ch. 1583, § 1)

Sec. 17-37. City to provide bond; cost.

The city shall bond the officers designated in section 17-36 in surety companies authorized to transact business in this state. It shall be the duty of the board of contract and supply to agree with such surety companies upon the cost of such bonds, and the cost of each bond shall be charged to the appropriation from which the salary of the officer bonded is paid. (Ord. 1914, ch. 9, § 2; Rev. Ords. 1946, ch. 2, § 181)

Sec. 17-38. Termination.

If within the period of two (2) years from the expiration of the period for which a bond required in section 17-36 was given no claim or demand, nor notice of any claim or demand, shall be made upon the surety upon such bond, then such bond shall, as against such surety, become null and void. (Ord. 1914, ch. 9, § 3; Rev. Ords. 1946, ch. 2, § 182)

Sec. 17-39. Form and condition; approval by city solicitor, council.

The form and conditions of the bond given for each officer designated in section 17-36 shall correspond with, and be applicable to the duties to be performed by such officer, and shall be such as the city solicitor or other law officer of the city shall approve, and the bond itself shall be approved by the city council. (Ord. 1914, ch. 9, § 4; Rev. Ords. 1946, ch. 2, § 183)

Sec. 17-40. Condition in bond against personal interest of officers making contracts, purchases or sales.

In the bond of any officers designated in section 17-36, whose duty requires him to make contracts, purchases or sales in behalf of the city, there shall be a condition inserted in substance that he will not, directly or indirectly, for himself or others, or by others in trust for him or on his account, have any personal interest or concern in any contract or agreement or purchase or sale made by him in behalf of the city. (Ord. 1914, ch. 9, § 5; Rev. Ords. 1946, ch. 2, § 184)

Charter reference—Corrupt practices, § 4-29.

Sec. 17-41. Conditions of bond of superintendent of public buildings.

In the bond of the superintendent of public buildings there shall be inserted the condition that he will not in behalf of the city make any contract or agreement with, or any purchase or sale from or to any copartnership, corporation or joint company, in which he is interested as a partner, stockholder or in any other manner, except any public service company or corporation which is allowed to contract for work with and to furnish supplies to the city without competitive bids and the prices of the services or commodities of which are regulated or subject to regulation by law; and that he will not, directly or indirectly, for himself or others, or by others in trust for him or on his account, have any personal interest or concern in any contract or agreement for improving, erecting, installing, altering or repairing any land or building of the city, or any fixture or appurtenance thereof, or in any purchase, sale or lease made by the city. (Ord. 1914, ch. 9, § 5; Rev. Ords. 1946, ch. 2, § 185)

Charter reference—Corrupt practices, § 4.29.

Sec. 17-42. Custody of city controller.

All the bonds herein required shall be kept in the custody of the city controller. (Ord. 1929, ch. 748, § 1; Rev. Ords. 1946, ch. 2, § 186)

Sec. 17-43. Bonding assistants in offices handling money.

Every city officer whose duties require him to receive or have the custody of money belonging to the city, may bond such subordinates and assistants in his office, and in such penal sums as he may deem necessary, in a surety company, subject however, to the approval of the board of contract and supply. The expense thereof shall be charged to the appropriation from which the salaries of such subordinates and assistants are paid. (Ord. 1914, ch. 9, § 7; Rev. Ords. 1946, ch. 2, § 187)

Secs. 17-44—17-53. Reserved.

Article III. Compensation and Other Benefits*

DIVISION 1. IN GENERAL

Sec. 17-54. Compensation of certain city officers for services.

The compensation of the clerk of the probate court and his assistants, of the superintendent of health and his assistants, the city registrar and his assistants, the city clerk and his assistants, and of all other city officers, shall be in full payment for their services as such city officers. (Ord. 1914, ch. 55, § 5; Rev. Ords. 1946, ch. 2, § 78)

*Charter references—Authority, power to establish and maintain civil service system, § 2.10; salaries of councilmen, § 3.10; of mayor, § 3.6; deputies of department heads, § 4.18; duties of deputies of city officers, § 4.19; clerks, assistants, etc., § 4.20; retirement board, §§ 5.59, 5.60; provisions pertaining to personnel director, § 6.34 et seq.; appointments, promotions, changes of personnel, etc., § 6.37 et seq.

Cross references—Salaries and expenses of city solicitor, § 2-100; salary, fees of superintendent of weights and measures, § 2-206; inspection of payroll lists, § 2-286 et seq.; compensation of fence viewer, § 5-53; compensation of superintendent of North Burial Ground, § 6-22; compensation of members of housing board of review, § 13-63; employment, compensation of superintendent of schools, teachers, § 22-2.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; relief of injured and deceased firemen and policemen, ch. 45-19, Gen. Laws 1956; retirement of municipal employees, ch. 45-21, Gen. Laws 1956.

Sec. 17-55. Establishment of compensation in certain departments.

The director of public works, the superintendent of public buildings and the board of park commissioners are hereby authorized to fix the rate of compensation which shall be paid the employees in their respective departments. Said department heads are further authorized, subject to the approval of the committee on finance, to adjust any wage schedules showing hourly wage rates which have been filed with the committee on finance or the budget director as provided by the classification ordinance. Any adjustment of wages or hours that may be effected shall not provide for the payment of any compensation in excess of the amount appropriated by the city council. (Ord. 1937, ch. 943, § 2; Rev. Ords. 1946, ch. 2, § 162)

Sec. 17-56. Employees entering armed forces, continuance on payroll.

(a) The several heads of the departments, bureaus and boards of the city are hereby directed to continue on the payroll for a period of four (4) weeks, all regular officers and employees who are inducted into or enlist in the military or naval service of the United States, provided said officers and employees have been employed by the city for the six (6) months' period immediately preceding said induction or enlistment.

(b) Said department heads are authorized to employ during the period of the said four (4) weeks, temporary assistants to perform the duties of such absent officers or employees who are continued on the payrolls of their respective departments in accordance with the provisions of this section, said temporary assistants to be paid a compensation not to exceed the salary or wages paid to the absent officer or employee at the time of induction or enlistment. (Ch. 2, § 176.2, added by Ord. 1950, ch. 418, §§ 1, 2)

Sec. 17-57. Holidays and holiday pay.

(a) All permanent employees of the city paid on an hourly or per diem basis shall be entitled to and shall receive

pay as established by ordinance for the following holidays: New Year's Day, Memorial Day, Independence Day, V-J Day, Labor Day, Columbus Day, Election Day, Armistice Day, Thanksgiving Day and Christmas Day; provided that such holiday occurs on a day when such employee normally renders services; and further provided, that such employees shall receive such pay only when they have worked on the last working day before each holiday and have worked on the next working day following each holiday.

(b) All work performed on such holiday shall be paid at the rate of one hundred fifty per cent (150%) of the employee's regular hourly rate pay for the actual time worked in addition to the regular pay allowed for the holiday, but the period of such work shall not be credited as part of his workweek in computing overtime pay, as provided in section 17-59. Whenever such holiday occurs on a day when a permanent hourly paid employee normally renders services, the holiday shall be considered as part of his workweek for the purposes of computing overtime.

(c) The provisions of this section shall not deprive any department head of the right to require city employees to work on any legal holiday when such work in the opinion of said department head is necessary to the general welfare and safety. (Ch. 2, § 165.1, added by Ord. 1947, ch. 1711, § 5; Ord. 1948, ch. 97, § 1; Ord. 1964, ch. 1676, § 1; Ord. 1965, ch. 1684, § 1)

Sec. 17-58. Holiday pay for policemen and firemen.

Policemen and firemen whether on duty or not, shall be entitled to and shall receive one extra day's pay for the following holidays, said pay to be computed on a basis of one-fifth (1/5) of a full week's pay, viz.:

New Year's Day.
Independence Day.
Labor Day.
Columbus Day.
Armistice Day.

Thanksgiving Day.
Christmas Day.
Memorial Day.

In addition thereto policemen and firemen shall be entitled to Washington's Birthday on the same terms and conditions as hereinbefore set forth. (Ch. 2, § 165.2, added by Ord. 1956, ch. 1057, § 1; Ord. 1960, ch. 1358, § 1; Ord. 1964, ch. 1596, § 1; Ord. 1964, ch. 1602, § 1; Ord. 1965, ch. 1719, § 1)

Sec. 17-59. Overtime pay.

(a) *Hourly basis of pay.* Any permanent employee of the city, except school department employees and watchmen whose pay is established on an hourly basis in the city compensation plan shall be entitled to and shall be paid overtime pay at the rate of one hundred fifty per cent (150%) of the rate of payment established in the city compensation plan for the particular position which he holds, for each full hour or part of an hour of employment in excess of the standard hours of employment worked or credited in any one workweek.

(b) *Daily basis of pay.* Any permanent employee of the city whose pay is established on a daily basis in the city compensation plan shall be entitled to and shall be paid overtime pay at the rate of one hundred fifty per cent (150%) of the rate of payment established in the city compensation plan for the particular position which he holds, for each full day or part of day in excess of the standard days of employment worked or credited in any one workweek. (Ch. 2, § 162.4, added by Ord. 1947, ch. 1711, § 4; Ord. 1960, ch. 1356, § 1; Ord. 1960, ch. 1383, § 1)

Sec. 17-60. Overtime and call-back pay in fire department—Generally.

The following members of the fire department namely:
Fire battalion chief;
Fire alarm superintendent;
Assistant fire alarm superintendent;
Fire equipment superintendent II;

Fire equipment superintendent I;
Fire captain;
Fire lieutenant;
Fire fighter, Grade 1;
Fire fighter, Grade 2;
Fire fighter, Grade 3;
Fire fighter, Grade 4; and
Radio engineer

shall be entitled to overtime and call-back pay in accordance with the provisions of sections 17-16 through 17-63. (Ord. 1964, ch. 1594, § 1; Ord. 1964, ch. 1623, § 1)

Sec. 17-61. Same—Overtime allowance.

All hours worked by any of the persons enumerated in section 17-60 in excess of ten (10) hours on any day tour, or fourteen (14) hours on any night tour, shall be compensated for at the overtime rate of pay set forth in section 17-63; provided however, that members of other divisions who normally work shorter tours, shall be compensated for hours worked in excess of a normal tour at an overtime rate of pay as set forth in section 17-63; and provided further, that overtime shall not be paid where men are held over at a fire already in progress while waiting for relief. (Ord. 1964, ch. 1594, § 2)

Sec. 17-62. Same—Call-back pay allowance.

Those employees enumerated in section 17-60 called back for multiple fire alarms shall be compensated for at least four (4) hours, in the event the overtime actually worked is less than four (4) hours, at the overtime rate of pay set forth in section 17-63. (Ord. 1964, ch. 1594, § 3)

Sec. 17-63. Same—Hourly rate of overtime pay.

The hourly rate of overtime pay for those persons designated in section 17-60 and entitled thereto, shall be equal to one fifty-sixth (1/56) the employee's weekly salary. (Ord. 1964, ch. 1594, § 4)

Sec. 17-64. Overtime and call-back pay in police department—Generally.

The following members of the police department, namely:

Police commander;
Police captain;
Police lieutenant;
Police sergeant;
Police dog specialist;
Police patrolman, grade 1;
Police patrolman, grade 2;
Police patrolman, grade 3;
Police patrolman, grade 4;
Policewoman, grade 1;
Policewoman, grade 2;
Policewoman, grade 3;
Policewoman, grade 4; and
Police equipment superintendent

shall be entitled to call-back pay in accordance with the provisions of sections 17-65 and 17-66. (Ord. 1964, ch. 1616, § 1)

Sec. 17-65. Same—Call-back pay allowance.

Those officers designated in section 17-64 called back to duty except members regularly assigned to plainclothes duty as detectives or members of the so-called C-Squad shall be compensated for at least four (4) hours in the event the overtime actually worked is less than four (4) hours, at the rate of pay set forth in section 17-66. (Ord. 1964, ch. 1616, § 2)

Sec. 17-66. Same—Hourly rate of call-back pay.

The hourly rate of call-back pay for those persons designated in section 17-64 and entitled thereto, shall be equal to one-fortieth (1/40) the employee's weekly salary. (Ord. 1964, ch. 1616, § 3)

Sec. 17-67. Benefits payable for death of policeman, fireman in line of duty.

(a) Should any member of the fire or police departments be killed, or die from the effect of injuries received while

in the actual performance of his duty, or from any disease contracted, while in the performance of his duty, leaving a widow and children, or either a widow or children, dependent in whole or in part upon the services of such deceased fireman or policeman for support, such widow or children, or both, may, in the discretion of the committee for the relief of disabled firemen and policemen, and upon due application therefor, be allowed a sum not exceeding four hundred dollars ($400.00) per annum, to be paid to such widow and children, or either of them, in such manner and in such sum or sums as said committee may from time to time adjudge to be proper.

(b) In no event shall the widow of any deceased fireman or policeman be entitled to an allowance under the provisions of this section after remarriage. (Ord. 1941, ch. 1073, § 1; Rev. Ords. 1946, ch. 2, § 12)

Cross reference—Annuities for widows of policemen and firemen, § 17-128 et seq.

Sec. 17-68. Restriction on amounts allowed under section 17-67.

The aggregate amount allowed for relief under section 17-67 hereof shall not exceed any sum authorized by the General Assembly. (Ord. 1941, ch. 1073, § 1; Rev. Ords. 1946, ch. 2, § 13)

Sec. 17-69. Salary of fence viewer.

The fence viewer shall receive a salary of five hundred dollars ($500.00) per annum. (Ord. 1964, ch. 1673, § 10)

Secs. 17-70—17-74. Reserved.

DIVISION 2. DISABILITY COMPENSATION*

Sec. 17-75. Commission for relief of injured employees—Organized, function.

The mayor, the director of public works, the personnel director and the finance director are hereby created a com-

*State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; relief of injured and deceased firemen and policemen, ch. 45-19, Gen. Laws 1956; retirement of municipal employees, ch. 45-21, Gen. Laws 1956.

mission with authority to provide for the relief of such employees of the various departments of the city, excluding policemen and firemen, employees of the school department and employees otherwise provided for who shall be injured or disabled while in the actual discharge of their duties as such employees and as a result thereof, in accordance with and subject to the conditions prescribed in section 17-76. (Ord. 1914, ch. 776, §§ 1, 2; Rev. Ords. 1946, ch. 2, § 170; Ord. 1951, ch. 549, § 1; Ord. 1955, ch. 970, § 1; Ord. 1957, ch. 1087, § 1)

State law references—Special act authorizing city to appropriate money for relief of injured and disabled employees of department of public works, P. L. 1928, ch. 1239; relief of injured and deceased firemen and policemen, ch. 45-19, Gen. Laws 1956.

Sec. 17-76. Same—Payments to injured employees.

When any employee provided for in section 17-75 shall be injured or disabled while in the actual discharge of his duties as such employee, as a result thereof, the commission described in section 17-75, in its discretion, may order that such employee be paid such sum of money, at such time or times or for such period, as it may determine to be just and proper; and said sums shall be charged to the appropriation for the department in which such employee is employed. Except as otherwise provided, such allowance shall not exceed the sum of twelve hundred dollars ($1,200.00) in all to any one person during the continuance of his injury or disability. (Ord. 1930, ch. 776, § 1; Rev. Ords. 1946, ch. 2, § 171; Ord. 1955, ch. 970, § 1; Ord. 1957, ch. 1087, § 1)

Sec. 17-77. Entitlement of policemen, firemen to disability compensation.

When any member of the fire or police departments of the city, while in the actual performance of his duty as a member thereof, has become or shall hereafter become permanently disabled, he shall be entitled to and paid such sum or sums as the committee for the relief of disabled firemen and policemen may in its discretion, and after hearing, upon any application for relief for the cause aforesaid, determine to be just and proper; and said committee is hereby further

authorized to draw its order upon the city treasurer for such amount, which order shall be charged to the special appropriation hereinafter named. In no case shall such allowance exceed the sum provided in section 17-76. (Ord. 1941, ch. 1073, § 1; Rev. Ords. 1946, ch. 2, § 11)

Sec. 17-78. Restriction on amounts allowed under section 17-77.

The aggregate amount allowed for relief under section 17-77 hereof shall not exceed any sum authorized by the General Assembly. (Ord. 1941, ch. 1073, § 1; Rev. Ords. 1946, ch. 2, § 13)

Sec. 17-79. Amount, duration of disability pay for temporary absence of fireman.

The commissioner of public safety as head of the fire department is hereby authorized to allow to any member of the fire department, temporarily absent from duty on account of disability incurred while engaged in actual fire service such sums during the continuance of his disability as the commissioner may in each case determine, provided however, that in no case shall the amount allowed weekly to any disabled member exceed the regular weekly compensation of such member. (Ord. 1914, ch. 21, § 13; Rev. Ords. 1946, ch. 12, § 6)

State law references—Pensions and relief fund for firemen, ch. 45-19, Gen. Laws 1956; special act relative to police and firemen's pension funds, P. L. 1901, ch. 930, as amended by P. L. 1917, ch. 1551; P. L. 1921, ch. 2107; P. L. 1938, ch. 2561; employees' retirement system, P. L. 1923, ch. 489; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 17-80. Blue Cross and Physicians Service coverage for disabled employees—Allowance.

Any person who is presently receiving or who hereafter receives retirement benefits from the city as a result of a permanent disability arising out of the performance of his duties as an employee of the city, shall while such benefits are being paid receive Blue Cross and Physicians Service

coverage provided by the city in the same manner as a regular employee. Said person shall have the right to include his spouse and infant unemancipated members of his family living at his home as parties insured under said coverage upon payment to the city of any additional premium required. (Ord. 1964, ch. 1667, § 1)

Sec. 17-81. Same—Allowance to persons receiving accident death benefits.

Any person who is presently receiving or who hereafter receives accident death benefits from the city as a result of the accidental death of an employee of the city arising out of the performance of his duties for said city shall, while such benefits are being paid, receive Blue Cross and Physicians Service coverage provided by the city in the same manner as a regular employee. Said person shall have the right to include infant unemancipated members of his family living at his home as parties insured under said coverage upon payment to the city of any additional premium required therefor. (Ord. 1964, ch. 1667, § 2)

Sec. 17-82. Same—Effect of other coverage.

Notwithstanding the provisions of sections 17-80 and 17-81 the city shall not provide the coverage set forth in said sections if the persons entitled thereunder, their respective spouses or infant children are receiving or are entitled to receive the same or similar coverage without charge therefor from any other person, association, corporation or governmental agency. (Ord. 1964, ch. 1667, § 3; Ord. 1965, ch. 1685, § 1)

Sec. 17-83. Same—Authority to provide family coverage at expense of city.

Notwithstanding the provisions of sections 17-80 through 17-82, the finance director with the written consent of the mayor may provide at the expense of the city such coverage for the benefit of the spouse and unemancipated infant children of a disabled or accidentally deceased employee living

at his home if it is made to appear to his satisfaction that there is need for said coverage and the providing thereof out of personal funds would create a hardship, so long as said hardship shall continue. (Ord. 1964, ch. 1667, § 4)

Sec. 17-84. Same—Rules and regulations to implement provisions.

The finance director shall be authorized to establish rules and regulations to carry out the provisions of sections 17-80 through 17-83. (Ord. 1964, ch. 1667, § 5)

Sec. 17-85. Payment for cost of hospitalization, related benefits.

(a) The city treasurer of the city shall make payment to the Hospital Service Corporation of Rhode Island and Rhode Island Medical Society Physicians Service for the full cost of Blue Cross (Comprehensive Plan) and Physicians Service, individual membership, at such rates as may be established from time to time, for all officers and employees of the several departments of the city, as designated by the mayor and finance director, except officers and employees of the school department.

(b) The cost thereof shall be charged to the appropriation provided therefor in the annual appropriation ordinance. (Ch. 2, § 176.3, added by Ord. 1956, ch. 1062, §§ 1, 2)

Secs. 17-86—17-90. Reserved.

DIVISION 3. VACATIONS WITH PAY

Sec. 17-91. Establishment, amount.

All officers and permanent employees of the city who have been continuously in the employ of the city for at least one year shall be entitled to an annual vacation of two (2) calendar weeks with pay during each succeeding year of their employment, except that as of January 1, 1957, and as of January 1 in each year thereafter, all officers and employees who have been continuously in the employ of the city for ten (10) years

or more, shall be entitled to three (3) calendar weeks with pay during each ensuing year of their employment. Vacation pay shall be based upon the number of hours or days actually worked in a normal calendar week, and exclusive of any overtime. (Ch. 2, § 163.1, added by Ord. 1949, ch. 274, § 1; Ord. 1956, ch. 1056, § 1; Ord. 1957, ch. 1088, § 1; Ord. 1960, ch. 1384, § 1)

Sec. 17-92. Rules and regulations of finance director; maximum accumulation.

The finance director shall establish rules and regulations governing annual vacations provided that vacation periods may not be so accumulated as to exceed six (6) calendar weeks. (Ch. 2, § 163.2, added by Ord. 1949, ch. 274, § 2; Ord. 1961, ch. 1398, § 1)

Sec. 17-93. Accrual.

The right to an annual vacation, as set forth in section 17-91 of this chapter, shall accrue upon the anniversary date of continuous employment of officers' or permanent employees' date of hiring; and officers and employees separating themselves from the service of the city, except when discharged for cause, shall be granted their accrued annual vacation leave; provided that employees and officers terminating their service through absence without leave, or who fail to give at least one week's notice of their intention to quit shall forfeit all rights to accrued vacation leave. (Ch. 2, § 163.4, added by Ord. 1949, ch. 274, § 3; Ord. 1965, ch. 1729, § 1)

Sec. 17-94. Provisions inapplicable to certain employees.

The provisions of sections 17-91, 17-92, 17-93 and 17-95 shall not apply to employees of the school department or employees of the city hired on a contractual basis, and the provisions of section 17-92 shall furthermore not apply to members of the police and fire departments. (Ch. 2, § 163.3, added by Ord. 1949, ch. 274, § 4; Ord. 1956, ch. 1056, § 1; Ord. 1962, ch. 1457, § 1)

Sec. 17-95. Application to persons on military training.

Officers and permanent employees who have been continuously employed for at least six (6) months and who by reason of membership in the active reserve forces of the United States or as members of the Rhode Island National Guard are ordered by the appropriate authority to full-time active duty and to attend full-time training activities shall be entitled to leaves of absence with pay during the actual duration of such activity but not to exceed fifteen (15) days in any one year. Military leave shall not be deemed vacation leave. (Ch. 2, § 163.5, added by Ord. 1949, ch. 274, § 5; Ord. 1962, ch. 1457, § 1)

Sec. 17-96. Annual vacation for firemen.

The commissioner of public safety as head of the fire department is hereby authorized to grant to each member of the fire department an annual vacation of fourteen (14) days without loss of pay, to be taken at such times as the commissioner shall determine. (Ord. 1923, ch. 360, § 3; Rev. Ords. 1946, ch. 12, § 5)

Secs. 17-97—17-101. Reserved.

DIVISION 4. SICK LEAVE*

Sec. 17-102. Sick leave with full pay established.

Officers and permanent employees, including hourly paid employees of the city, regularly employed in their positions continuously for at least one month, except members of the police and fire departments, members of the school department, employees of the city who are paid on a per diem basis, and employees paid on a contractual basis, shall be entitled to sick leave with full pay subject to the provisions of this

*State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; relief of injured and deceased firemen and policemen, ch. 45-19, Gen. Laws 1956; retirement of municipal employees, ch. 45-21, Gen. Laws 1956.

division and the rules and regulations established by the finance director in accordance therewith. (Ch. 2, § 187.1, added by Ord. 1951, ch. 455, § 1; Ord. 1952, ch. 572)

Sec. 17-103. Leaves to be granted for certain defined reasons only.

A leave of absence granted under this division shall be known as "sick leave" and shall be granted for the following reasons only:

(a) Personal illness or physical incapacity to such an extent as to be rendered thereby unable to perform the duties of his or her position.

(b) Attendance upon members of the family within the household of the employee, whose illness requires the care of such employee, provided that not more than seven (7) working days with pay shall be granted to employee for this purpose in any one calendar year.

(c) Enforced quarantine when established and declared by the department of health or other competent authority for the period of such quarantine only.

(d) Death of a mother, father, husband, wife, child, brother, sister or grandchild or other member of the immediate household, provided that in such cases the leave shall not extend more than one day beyond the date of burial of said deceased person, and provided further, that in the case of employees of the Jewish faith said leave shall be for the actual period of mourning observed but not to exceed seven (7) days from the day of burial.

(e) Death of other relative, provided that in such cases the leave with pay shall be for not more than one day to permit attendance at the funeral of said person. (Ch. 2, § 187.2, added by Ord. 1951, ch. 455, § 2; Ord. 1962, ch. 1450, § 1)

Sec. 17-104. Maximum days allowed; accrual.

Sick leave with full pay for officers and permanent employees subject to the provisions of this division shall be one and one-quarter (1¼) working days per month. Such annual sick leave of fifteen (15) working days with pay, when not used, shall be cumulative, but the accumulated and unused portion of such sick leave shall not exceed ninety (90) days at any one time; provided however, that any employee with at least ten (10) years of continuous service who contracts a serious illness may be granted, with the approval of the personnel director, the finance director and the mayor, a further leave not to exceed ninety (90) days in addition to his accumulated sick leave as of the date said illness occurs. (Ch. 2, § 187.3, added by Ord. 1951, ch. 455, § 3; Ord. 1955, ch. 934, § 1)

Sec. 17-105. Time allowed employees for prior service.

Officers and permanent employees who are presently in the service of the city may receive an accumulation of nine (9) working days for each full year of prior service until the maximum of ninety (90) working days' accumulation has been reached. (Ch. 2, § 187.4, added by Ord. 1951, ch. 455, § 4)

Sec. 17-106. Time not to accrue during lay-off or leave of absence.

Employees heretofore or hereafter laid off for reasons not discreditable to them and re-hired within twelve (12) months, and employees granted leave of absence without pay, excepting personnel who have left for service in the armed forces of the United States since June 1, 1950, and who return to city employment within sixty (60) days of their discharge from service, shall not accrue sick leave during said lay-off or leave of absence, but upon resumption of active employment shall have available the sick leave accrued at the time of such lay-off or leave of absence. (Ch. 2, § 187.5, added by Ord. 1951, ch. 455, § 1; Ord. 1952, ch. 575, § 1)

Sec. 17-107. Pregnancy, dissipation, immoral conduct, not basis for leave.

Sick leave with pay shall not be allowed to any employee by reason of pregnancy or related illnesses nor shall absence caused by dissipation or immoral conduct be made the basis of any sick leave. (Ch. 2, § 187.6, added by Ord. 1951, ch. 455, § 6)

Sec. 17-108. Authority to require medical certification of illness.

In any case of sick leave with pay the finance director at his discretion may require a certification of illness from the employee's personal physician and/or a physician representing the city. (Ch. 2, § 187.7, added by Ord. 1951, ch. 455, § 7)

Sec. 17-109. Violations, false claims or reports.

Wilful violation of this division or of any of the rules and regulations promulgated hereunder or the wilful making of any false report regarding sickness or the making of false claim for sick leave shall subject the employee chargeable therewith liable to disciplinary action and shall be sufficient cause for discharge or suspension. (Ch. 2, § 187.8, added by Ord. 1951, ch. 455, § 8)

Sec. 17-110. Payment by commission for relief of certain injured employees prohibited during sick leave.

The commission for the relief of certain injured employees shall make no payments to any employee while said employee is on sick leave with pay. (Ch. 2, § 187.9, added by Ord. 1951, ch. 455, § 9)

Sec. 17-111. Right of recovery, termination of rights for unused sick leave.

No right of action shall accrue to any officer or employee as a basis for recovery of pay for any unused sick leave. Death or separation from service or repeal of these provisions

shall terminate any and all rights under this division for any such unused sick leave. (Ch. 2, § 187.11, added by Ord. 1951, ch. 455, § 11)

Sec. 17-112. Rules and regulations, decisions of finance director.

The finance director shall establish rules and regulations governing sick leave with pay. The decision of the finance director on the interpretation of rules and regulations made by him shall be final. (Ch. 2, § 187.10, added by Ord. 1951, ch. 455, § 10)

Secs. 17-113—17-117. Reserved.

DIVISION 5. ADDITIONAL PAYMENTS TO RETIRED EMPLOYEES*

Sec. 17-118. Established; amount, scope.

Every employee of the city who, being a member of a pension plan of the city, has been or shall be retired either after twenty-five (25) years in the service of the city or because of disability incurred as the result of an accident while in the performance of duty, shall receive from the city an amount which, when added to all earned income received by such retired employee from any source whatsoever, including any retirement, pension or social security allowance, shall assure to such employee the sum of one hundred twenty-five dollars ($125.00) per month. (Ch. 2, § 187.12, added by Ord. 1953, ch. 778, § 1)

Sec. 17-119. Duration, termination upon death; transferability.

Amounts payable under the terms and provisions of this division shall accrue and be payable only to a retired em-

*State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; relief of injured and deceased firemen and policemen, ch. 45-19, Gen. Laws 1956; retirement of municipal employees, ch. 45-21, Gen. Laws 1956.

ployee during his lifetime, shall not survive the death of such employee and shall not be assignable or transferable. (Ch. 2, § 187.13, added by Ord. 1953, ch. 778, § 2)

Sec. 17-120. Basis for determining payments.

For the purposes of this division the retirement allowance paid to such employee under any pension plan of the city shall be deemed the retirement allowance to which such employee would have been entitled, exclusive of any additional annuity provided by the member's accumulated excess contributions, and before reduction by any unpaid loan balance or reduction on account of an elected optional form of retirement allowance. (Ch. 2, § 187.14, added by Ord. 1953, ch. 778, § 3; Ord. 1954, ch. 864, § 1)

Sec. 17-121. Monthly information return—Required of eligible employees.

Each retired employee eligible for payments under the terms of this division shall file monthly with the city controller, on or before a designated date, an information return in such form and detail as the controller may require. No monthly benefits shall be paid until receipt of such return. (Ch. 2, § 187.15, added by Ord. 1953, ch. 778, § 4)

Sec. 17-122. Same—Effect of false statements in returns.

Any misstatement in the information return required in section 17-121 may render the person filing the same ineligible for benefits for such period as the city controller in his discretion may determine. (Ch. 2, § 187.16, added by Ord. 1953, ch. 778, § 5)

Secs. 17-123—17-127. Reserved.

DIVISION 6. ANNUITIES FOR WIDOWS OF POLICEMEN AND FIREMEN*

*Cross references—Committee on relief of firemen and policemen, § 2-34; benefits payable for death of policemen, firemen in line of duty, § 17-67.

State law references—Authority of city to pay annuities to widows of policemen and firemen, P. L. 1958, ch. 88; relief of injured and deceased firemen and policemen, ch. 45-19, Gen. Laws 1956; retirement of municipal employees, ch. 45-21, Gen. Laws 1956; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 17-128. Eligibility; amount.

Each unremarried widow of a policeman or fireman who was a member of the police or fire department of the city prior to October 1, 1923, and whose death occurred, or hereafter may occur while in service, or after retirement on pension, shall receive from the city upon application duly made, an amount which, when added to all net income received by such unremarried widow from any source whatsoever, including any retirement payments or Social Security allowance, shall assure to such unremarried widow a sum not to exceed one hundred dollars ($100.00) per month and not to exceed a total of twelve hundred dollars ($1,200.00) per year; but the annuities provided hereunder shall be considered as grants for additional support, and shall not be considered as vested rights in any annuitant. (Ch. 2, § 187.20, added by Ord. 1958, ch. 1210, § 1)

Sec. 17-129. Duties of finance committee and city controller.

The finance committee of the city council shall from time to time determine the amount of each annuity provided for in section 17-128, and the city controller, under the advice and direction of the finance committee, shall administer the payment of such annuities through the city treasurer. The finance committee shall establish such rules and regulations as it deems necessary and advisable for the guidance of the city controller with respect to such annuities. (Ch. 2, § 187.21, added by Ord. 1958, ch. 1210, § 2)

Sec. 17-130. Limitations upon amounts payable.

Amounts payable under the terms and provisions of this division shall accrue and be payable only to an unremarried widow during her lifetime; shall not survive her death; shall not be assignable, transferable, or subject to attachment; nor shall such payments be retroactive for more than one month; and payments may be terminated at any time by vote of the finance committee after hearing for cause. (Ch. 2, § 187.22, added by Ord. 1958, ch. 1210, § 3)

Sec. 17-131. Monthly information return—Required.

Each person eligible for payments under the terms of this division shall file monthly with the city controller on or before such date as designated by him an information return in such form and detail as he may require. No monthly benefits shall be paid until receipt of such return. (Ch. 2, § 187.23, added by Ord. 1958, ch. 1210, § 4)

Sec. 17-132. Same—Effect of misstatements in return.

Any misstatement in the information return may render the person filing the same ineligible for benefits for such period as the city controller, in his discretion, may determine. (Ch. 2, § 187.24, added by Ord. 1958, ch. 1210, § 5)

Sec. 17-133. Appropriations by city to pay annuities.

The city council shall by ordinance appropriate annually a sum sufficient to pay all annuities provided for under the provisions of this division. (Ch. 2, § 187.25, added by Ord. 1958, ch. 1210, § 6)

Secs. 17-134—17-138. Reserved.

Article IV. Suggestion Award Program*

Sec. 17-139. Adoption.

The city hereby adopts the following program of money awards to stimulate and reward the making of suggestions by employees which will benefit the city. (Ch. 2, § 187.17, added by Ord. 1953, ch. 737, § 1)

Sec. 17-140. Suggestion award committee.

(a) *Created, function.* The administration of the suggestion award program provided for in section 17-139 shall be vested in the city suggestion award committee of five (5) members, which is hereby created.

*State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

(b) *Members, chairman.* Said committee shall consist of the personnel director, the finance director, and three (3) members of the city council to be appointed by the president of the council. The committee shall elect its own chairman.

(c) *Terms of members.* Their terms of office shall run until the first Monday of January following a general election.

(d) *Clerk.* The city clerk shall be the clerk of the committee and shall keep minutes of committee meetings and such other records as may be required. (Ch. 2, § 187.18, added by Ord. 1953, ch. 737, § 2)

Sec. 17-141. Regulations governing participation in program.

Participation in the suggestion award program provided for in section 17-139 shall be limited to those employees of the city who submit a suggestion, in accordance with the following regulations:

(a) To be eligible for a cash award a suggestion must have been adopted and made possible an extension of public service or an elimination or reduction of city expenditures without substantially impairing such service.

(b) The suggestion must propose a change which is outside the scope of the normal job responsibilities of the employee making the suggestion. Employees shall not be eligible for an award for suggestions pertaining to subjects assigned for research or development or to problems assigned for solution or which employees would normally be expected to offer in line of duty.

(c) The suggestion must propose a change which is not currently under active consideration by the city department affected, and which can be accomplished legally under the laws of the state and the city.

(d) If duplicate suggestions are submitted, only the first received shall be eligible for an award.

(e) A suggestion which has been put into effect by the city department concerned must be submitted for award consideration within sixty (60) days of its adoption.

(f) Each suggestor shall execute the following agreement and attach same to his suggestion:

In consideration of my participation in the Suggestion Award Program, I hereby agree that the use by the City of Providence of my suggestion concerning _____ shall not be the basis of a claim of any nature against the City of Providence by me, my heirs, executors or assigns.

(g) Appropriate commendation of an employee whose adopted suggestion does not merit a cash award may be authorized.

(h) The cash awards by the committee shall range from twenty-five dollars ($25.00) minimum to two hundred fifty dollars ($250.00) maximum, but the committee may recommend to the city council awards in excess of the maximum, and if approved by the city council, such greater amount shall be paid, but in no event shall a total award exceed five hundred dollars ($500.00). (Ch. 2, § 187.17, added by Ord. 1953, ch. 737, § 1)

Sec. 17-142. Procedure for making and consideration of suggestions.

The following procedure for making and consideration of suggestions is hereby established:

(a) Suggestions must be submitted in writing to the committee on forms to be provided by the committee.

(b) Suggestions must be signed but the suggestor's name may, at his written request, remain undisclosed until consideration of the suggestion has been completed.

(c) The committee shall receive, record and acknowledge receipt of suggestions, and shall notify the suggestor of action taken as soon as final consideration has been had.

(d) If a suggestion rejected by the committee is subsequently adopted, the suggestor may request the committee in writing, to reconsider the same for an award.

Other rejected suggestions may be resubmitted to the committee in regular manner, but not more than twice during a calendar year. (Ch. 2, § 187.19, added by Ord. 1953, ch. 737, § 3)

Secs. 17-143—17-147. Reserved.

Article V. Police Reserve*

Sec. 17-148. Establishment, function.

The commissioner of public safety is hereby authorized to establish, train and maintain a police reserve, composed of persons who volunteer their services to aid the police department in the performance of its duties. (Ord. 1965, ch. 1711, § 1)

Sec. 17-149. Rules and regulations applicable.

The rules and regulations of the police department to the extent that they may be applicable to volunteers, shall govern the appointment, conduct and discipline of the members of the police reserve provided for herein. The commissioner of public safety may promulgate rules and regulations governing said police reserve not inconsistent with the provisions hereof. (Ord. 1965, ch. 1711, § 3)

Sec. 17-150. Oath as special police constables.

Members of the police reserve provided for herein shall be sworn in as special police constables by the commissioner of public safety upon the written recommendation of the chief of police certifying as to their character, physical condition and qualifications to perform the duties of members of the police reserve. (Ord. 1965, ch. 1711, § 2)

Sec. 17-151. Prerequisites to swearing in member.

Before any person shall be sworn in as a member of the police reserve, the commissioner of public safety shall make

*Charter reference—Departments of police and fire, commissioner of public safety, etc., § 5.8 et seq.
State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

clear to him his rights and liabilities as a member of such reserve, the fact that as a volunteer he will receive no compensation for his services or any other compensation or benefit from the city except as herein provided. Said person shall be required to sign a statement indicating his understanding and his consent to the foregoing before being sworn in by the commissioner as aforesaid. (Ord. 1965, ch. 1711, § 7)

Sec. 17-152. Compensation, status of members; hospital, medical expenses of injured member.

Members of the police reserve provided for herein shall receive no compensation from the city for their services; they shall not be considered municipal employees in any way or entitled to any benefits which the city may provide to its employees; provided however, if any member of such police reserve is injured while on active duty, the city shall furnish all necessary hospital and medical expenses of such injured member during the period of his disability and inability to return to gainful employment. (Ord. 1965, ch. 1711, § 4)

Sec. 17-153. Authority to call members to active duty.

With the approval of the commissioner of public safety, the chief of police may call members of the police reserve to active duty during emergencies and upon special occasions when their services are deemed to be necessary. (Ord. 1965, ch. 1711, § 5)

Sec. 17-154. Police authority of members on active duty.

When on active duty, members of the police reserve provided for herein shall be clothed with all the powers of permanent police officers except as otherwise limited by rules and regulations established by the commissioner of public safety or as herein otherwise provided. Members of said police reserve shall not, on any occasion, bear firearms unless specifically authorized so to do by the commissioner of public safety. (Ord. 1965, ch. 1711, § 6)

Sec. 17-155. Police authority of members not on active duty.

When not on active duty, members of the police reserve provided for herein shall have no police power other than that exercisable by any private citizen. (Ord. 1965, ch. 1711, § 6)

Sec. 17-156. "Active duty", term defined.

"Active duty" as herein used shall mean assignment under proper authority and while actively and actually engaged in police or civilian defense duties. (Ord. 1965, ch. 1711, § 8)

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Chapter 18

PARKS AND RECREATION*

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Article I. In General

Sec. 18-1. Firewood, timber, other material, animals, vehicles in Dexter training ground.

No person shall, except for training purposes, place, put or deposit, or suffer to be placed, put or deposited, upon the Dexter training ground, or any sidewalk or street adjoining the same, any firewood, timber, stone, building or other materials, or cross the same, except that portion thereof used for streets, with any horses, cattle, swine, carriages, carts or other vehicles. (Ord. 1914, ch. 17, § 2; Rev. Ords. 1946, ch. 24, § 12)

Sec. 18-2. Hours Roger Williams Park to be open.

Roger Williams Park shall be open to the public from sunrise until 11:00 p.m. from April first to November first, and from sunrise until 10:00 p.m. from November first to

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*Charter references—Powers of city, § 2.1 et seq.; board of park commissioners, § 5.50 et seq.

Cross references—Control of Hopkins Burial Ground by board of park commissioners and superintendent, § 6-5; duties of board of park commissioners, etc., § 6-17 et seq.; swimming or bathing restricted, §§ 16-16, 16-17.

State law references—Council permitted to pass ordinances regulating care, management and use of parks and public squares, § 32-3-1, Gen. Laws 1956; jurisdiction of state chief of division of forests, parks and parkways in cities, §§ 32-2-1, 32-2-2, 32-2-4, 32-2-5, Gen. Laws 1956; special act defining power and duties of board of recreation, P. L. 1913, ch. 980, which powers are conferred on park commissioners by charter, § 5.52; special act authorizing abandonment of portion of Blackstone Park, P. L. 1945, ch. 1630; special act authorizing city to convey portion of Valley Street Playground, P. L. 1945, ch. 1616; special act as to authority to convey Davis Park to United States for hospital for disabled veterans, P. L. 1945, ch. 1548; special act authorizing Roger Williams Memorial Association to convey land to city as parkway approach to Roger Williams monument, P. L. 1941, ch. 1034; special acts authorizing abandonment of land bound by Woonasquatucket River, Railroad Street and Gaspee Street as public park, P. L. 1917, ch. 1561, and P. L. 1919, ch. 1806; special act creating Metropolitan Marine Park, P. L. 1916, ch. 1372; special act authorizing admission fees to public golf courses and contracts for tournaments, P. L. 1941, ch. 1092.

April first, each year. No person shall enter or be within the limits of said park, except between said hours, without permission from the park commissioners or superintendent of parks. (Ord. 1914, ch. 40, § 6; Rev. Ords. 1946, ch. 24, § 13)

Sec. 18-3. Operating canoes in Roger Williams Park.

(a) *Registration required.* Every person owning or having the control of a canoe shall before using the same upon any of the lakes in Roger Williams Park file in the office of the superintendent of parks on a blank to be furnished by the board of park commissioners a statement of his name, residence and post office address. The said board upon receipt of a fee of one dollar ($1.00) shall then register each such canoe, assigning to it a distinguishing mark or number, and shall thereupon issue to the owner or person having control thereof a proper certificate of registration and two (2) number plates.

(b) *Duration of registration.* All certificates herein provided for shall expire by limitation on the thirty-first day of December of the year in which they are issued, said board of park commissioners reserving the right to revoke in its discretion any certificate of registration so issued.

(c) *Display of registration numbers.* Every canoe shall at all times, while being used upon the said lakes, have displayed in a conspicuous place and manner on each side of the bow the number plates provided by said board of park commissioners entirely unobscured and securely fastened, with the registry number assigned to said canoe thereon.

(d) *Compliance with rules.* The occupants of such canoe shall comply with all park rules regulating the use of canoes.

(e) *Violations.* Every person placing or using a canoe upon said lakes without such certificate of registration or failing to properly display the registration number as required shall be deemed guilty of an offense, punishable as provided in section 1-10 of this Code. (Ord. 1915, ch. 100, § 2; Rev. Ords. 1946, ch. 24, § 21)

Sec. 18-4. Riding and driving in parks.

No person shall ride or drive within any park at a rate of speed exceeding fifteen (15) miles per hour. No person shall ride or drive any animal, bicycle or other vehicle except upon the driveways, nor coast with a bicycle or other vehicle down any hill, nor ride or drive any animal, bicycle or vehicle upon other than the right-hand side of the driveways, except to cross such driveways or to turn out for some obstruction, or for some animal, bicycle or other vehicle proceeding in the same direction. (Ord. 1914, ch. 40, § 10; Rev. Ords. 1946, ch. 24, § 16)

State law reference—Regulation of speed, etc., in parks, §§ 31-14-5—31-14-8, Gen. Laws 1956.

Sec. 18-5. Riding and driving on turf in parks.

Except with the permission of the board of park commissioners, no person shall ride or drive any horses, teams, automobiles or vehicles of any kind over or upon any turfed portion of any park. (Ord. 1916, ch. 129, § 1; Rev. Ords. 1946, ch. 24, § 17)

Sec. 18-6. Driving teams, swill carts, business vehicles into parks.

No person shall drive any heavy team, nor any swill or residuum cart, nor any team, carriage or other vehicle for the purpose of business, into any park, without permission from the board of park commissioners or the superintendent of parks. (Ord. 1914, ch. 40, § 8; Rev. Ords. 1946, ch. 24, § 15)

Sec. 18-7. Addressing political or religious meetings.

No person shall address any political or religious meeting in any public park; but this section shall not be construed to prohibit any political or religious club or society from visiting any public park in a body, provided that no public address shall be made under the auspices of such club or society in such park. (Ord. 1914, ch. 40, § 11; Rev. Ords. 1946, ch. 24, § 18)

Sec. 18-8. Domestic animals in parks.

No person, being the owner or having the charge or custody of any dog, cat, fowl, goat, swine or neat cattle, shall allow such dog, cat, fowl, goat, swine or neat cattle to enter any public park or to remain therein. (Ord. 1914, ch. 40, § 12; Rev. Ords. 1946, ch. 24, § 19)

Cross reference—Animals and fowl generally, § 4-1 et seq.

Sec. 18-9. Bathing and fishing, disturbing fish, waterfowl and animals.

No person shall bathe or fish in, nor go into, nor send any animal into, any of the waters of any park, nor disturb any of the fish, birds, waterfowl or animals in any park, nor throw or place any article or thing in said waters; provided however, that fishing in any such waters from boats owned by the city may be allowed by the board of park commissioners at such time and under such regulations and upon payment of such fees as said commissioners may from time to time prescribe and determine. (Ord. 1925, ch. 475, § 1; Rev. Ords. 1946, ch. 24, § 20)

Sec. 18-10. Affixing notices, other papers in parks.

No person shall post or otherwise affix any bill, notice or other paper upon any structure or thing within any park, nor upon any of the gates or enclosures thereof. (Ord. 1914, ch. 40, § 14; Rev. Ords. 1946, ch. 24, § 22)

Cross reference—Advertising, § 3-1 et seq.

Sec. 18-11. Distributing circulars in parks.

No person shall give away or distribute any circulars in any park, except as may be authorized by the superintendent of parks or the board of park commissioners. (Ord. 1914, ch. 40, § 14; Rev. Ords. 1946, ch. 24, § 22)

Sec. 18-12. Selling goods, etc., in parks.

No person shall sell or expose for sale any goods, wares or merchandise in any park, except as may be authorized by the superintendent of parks or the board of park commissioners. (Ord. 1914, ch. 40, § 14; Rev. Ords. 1946, ch. 24, § 22)

Sec. 18-13. Duty to keep off grass.

No person shall stand, lie, sit or walk on any grass growing upon any public land set apart and designated as and for public parks. (Ord. 1914, ch. 40, § 15; Rev. Ords. 1946, ch. 24, § 23)

Sec. 18-14. Lying on or overturning park seats.

No person shall sleep or lie upon or overturn any seat in any park. (Ord. 1914, ch. 40, § 15; Rev. Ords. 1946, ch. 24, § 23)

Cross reference—Malicious injury, § 16-4 et seq.

Sec. 18-15. Injuring, tampering with property in parks.

No person shall take, pluck, injure, destroy, cut, mark or deface any flower, root, plant, shrub, tree, building, fence, monument or other property in any park. (Ord. 1914, ch. 40, § 16; Rev. Ords. 1946, ch. 24, § 24)

Cross reference—Malicious injury, § 16-4 et seq.

Sec. 18-16. Throwing stones, missiles in parks.

No person shall throw a stone or other missile in or into any park. (Ord. 1914, ch. 40, § 16; Rev. Ords. 1946, ch. 24, § 24)

Cross reference—Malicious injury, § 16-4 et seq.

Sec. 18-17. Lighting, building or making fires in parks.

No person, except one in the employ of the board of park commissioners or superintendent of parks, shall light, build or make any fire in any park. (Ord. 1914, ch. 40, § 17; Rev. Ords. 1946, ch. 24, § 25)

Sec. 18-18. Application of provisions to portions of Pleasant Valley Parkway.

Sections 18-3 to 18-17 of this chapter shall apply also to that portion of the "Pleasant Valley Parkway," between Oakland Avenue and Academy Avenue, and the lands and road-

ways included therein acquired for public park and parkway purposes. (Ord. 1914, ch. 40, § 19; Rev. Ords. 1946, ch. 24, § 26)

State law reference—Special act authorizing abandonment of portions of Pleasant Valley Parkway, P. L. 1942, chs. 1178, 1179.

Secs. 18-19—18-28. Reserved.

Article II. Board of Park Commissioners*

Sec. 18-29. Powers and duties.

(a) *Generally.* The board of park commissioners shall superintend the maintenance and control of the public parks under their jurisdiction within the city and shall also perform all duties that may from time to time be prescribed by the city council. They shall see that all laws of the state and all ordinances, resolutions and orders of the city council in relation to the public parks under their jurisdiction are duly enforced. They shall do all acts necessary and proper for the care, management, improvement, maintenance and protection of the public parks under their jurisdiction, the avenues, fences, animals, and all other property thereon or therein, and the buildings except public bathhouses in said public parks, which are hereby placed under the supervision and control of the superintendent of public buildings of the city.†

(b) *Purchases.* They shall be authorized to purchase, from time to time, such horses, cattle and other animals and such birds, fowl and fish, and such boats, swings, carts and other vehicles, and all such tools, apparatus, implements and other articles as they may deem necessary for the proper care, use

*Charter references—Appointive officers and employees, § 4.1 et seq.; board of park commissioners, § 5.50 et seq.

Cross references—Control of North Burial Ground by board of park commissioners and superintendent, § 6-17 et seq.; approval of board of appointment of clerk and assistant clerk to superintendent of North Burial Ground, § 6-21.

State law references—Council authority to pass ordinances regulating care, management and use of parks and public squares, § 32-3-1, Gen. Laws 1956; jurisdiction of state chief of division of forests, parks and parkways in cities, §§ 32-2-1, 32-2-2, 32-2-4, 32-2-5, Gen. Laws 1956.

†**Editor's note**—Sec. 76 of the charter act, P. L. 1940, c. 832, providing for a superintendent of public buildings, was repealed by P. L. 1949, ch. 2308, § 5.

and management of the public parks under their jurisdiction, the museum at Roger Williams Park, and the Commodore Esek Hopkins homestead estate but subject to the conditions of the deed of gift of said homestead estate.

(c) *Sales, displays.* They shall be authorized to display, offer for sale and sell in the public parks within the city souvenirs, postcards, booklets, sodas, cigars, tobacco, ice cream, peanuts, confectionery and such other refreshments as said board shall determine. The net proceeds from the sale of such articles after deducting the cost thereof and the expenses of selling the same shall be credited to general funds; provided however, that the net proceeds of all such articles sold within the portions of Roger Williams Park devised to the city under the will of Betsey Williams shall be credited to Roger Williams Park Credit Account and disposed of in accordance with the terms of said will. They may dispose by sale or otherwise of all unserviceable personal property connected with the park department.

(d) *Gifts, devises, bequests.* They shall be authorized from time to time in their discretion and in the name and behalf of the city to accept any gifts of money for general or specific park purposes. All such gifts shall be deposited with the city treasurer in a special account to be drawn upon by the board of park commissioners and audited in the same manner as other accounts. They shall be also authorized, from time to time in their discretion, and in the name and behalf of the city, to accept any gifts, bequests or loans of articles or things that may be made to said city in trust, or otherwise, for the use and benefit of any parks under their jurisdiction, said museum, or said homestead estate, but subject to the conditions of the deed of gift of said homestead estate, and provided that no such acceptance shall make the city in any manner legally or equitably liable to any person relative to the care and preservation of any such property, unless the city council in each case shall take such action as shall assume such liability. They shall be authorized to make suitable provision for the proper care, use and exhibition of any such gifts, bequests or loans. They shall be authorized in their discretion, from time to time, to exchange or temporarily loan

for exhibition purposes elsewhere any articles or things contained in said museum or homestead, unless inconsistent with the conditions of any gift or loan of the same.

(e) *Personnel.* They shall be authorized to employ such workmen as they may deem necessary in the general care and conduct of the public parks under their jurisdiction and to fix their compensation. They may appoint a superintendent of parks and employ a head gardener, a clerk, and a curator of the museum of Roger Williams Park, and fix their respective salaries or compensation, but not exceeding in any case any limit fixed by the city council. All of said employees shall perform such duties as said board shall require.

(f) *Rules and regulations.* Said board shall be authorized and empowered to make all such rules and regulations as they may deem necessary for the proper conduct of any and all sports and amusements in Roger Williams Park, and in other public parks and playgrounds under their jurisdiction. They shall cause any such rules or regulations to be printed and posted upon the premises at or near the place or places of such sports or amusements. (Ord. 1931, ch. 824, § 1; Rev. Ords. 1946, ch. 24, § 5)

Sec. 18-30. Authority to use of school property and other property.

The board of park commissioners may use for public playground purposes or recreation activities any public school yards, buildings and properties or parts thereof of the city, as from time to time and for such period of time as permitted by the school committee of the city, and any public grounds, recreation places, buildings and apparatus in the city, the use of which is permitted by any municipal or state board, commission or officer, to any extent that the same may be legally authorized to permit the use of such grounds or property for public playground or recreation activities. Said board of park commissioners may use for any such purposes any grounds, places, buildings or apparatus in said city which any person may permit the use of for public playground purposes or recreation activities. During the period of any such permis-

sion the board may relative thereto exercise the powers specified in section 18-32 hereof. (Ord. 1914, ch. 7, § 3; Rev. Ords. 1946, ch. 24, § 8)

Sec. 18-31. Authority over Dexter training ground.

The board of park commissioners, by and with the assent of the commissioners of the Dexter Donation, shall take charge of the Dexter training ground and keep the same in proper condition as one of the parks of the city. Said board of park commissioners shall do nothing to said property which shall in any way interfere with its use as a training field. (Ord. 1914, ch. 17, § 1; Rev. Ords. 1946, ch. 24, § 11)

Sec. 18-32. Management and regulation of public playgrounds.

The board of park commissioners shall manage and regulate the public playgrounds and places used for recreation activities of the city in Roger Williams Park and in other parks under their jurisdiction, and conduct and promote thereon such forms of play, sport, physical and industrial education and recreation activities as said board of park commissioners in their discretion may from time to time determine, and have the care and use of all the equipment and facilities thereof or pertaining to such grounds and places. (Ord. 1941, ch. 7, § 2; Rev. Ords. 1946, ch. 24, § 7)

Sec. 18-33. Rules and regulations as to playgrounds.

The board of park commissioners shall prescribe suitable rules and regulations pertaining to the use of all such playgrounds or places in Roger Williams Park and in other parks under their jurisdiction, generally or severally, under which such play, sport, physical and industrial education and recreation activities shall be carried on, and shall cause such rules and regulations to be printed and posted upon the premises at or near the place or places where the same are carried on. Any person violating any such rule or regulation may be expelled from such premises, or may be deprived of any right to engage in the same for a period not exceeding thirty (30) days, by order of said board of park commissioners or any

person by it duly authorized. Such rules and regulations in their application to any and all such playgrounds shall be consistent with all laws of the state and ordinances of the city for the protection and preservation of public parks and parkways and the maintenance of due order therein. (Ord. 1914, ch. 7, § 4; Rev. Ords. 1946, ch. 24, § 9)

Sec. 18-34. Employment of superintendents, supervisors, other personnel for playgrounds.

The board of park commissioners shall employ a superintendent and an assistant superintendent, and such subordinate supervisors, directors, attendants, caretakers, or other employees as may be necessary, with such powers and duties respectively relative to the supervision and care of playgrounds and places in Roger Williams Park and in other parks under the jurisdiction of said board, and the conducting thereon of play, sport, physical and industrial education and recreation activities, as said board of park commissioners from time to time may prescribe, and said board of park commissioners shall fix the compensation of the same, provided it shall not make any contract of employment to continue for a longer period than two (2) years. (Ord. 1914, ch. 7, § 5; Rev. Ords. 1946, ch. 24, § 10)

Sec. 18-35. Duty not to violate terms of gift or trust as to playgrounds.

Nothing herein shall authorize the board of park commissioners to violate or do any act inconsistent with the terms or conditions of any trust or deed of gift, under which any playgrounds or places have been acquired by the city. (Ord. 1914, ch. 7, § 7; Rev. Ords. 1946, ch. 24, § 6)

Sec. 18-36. Authority to direct expenditures, approve and certify accounts.

The board of park commissioners shall direct the expenditure of all money appropriated for public parks under their jurisdiction and for Roger Williams Park, and, unless otherwise provided, the receipts and income from said parks. They

shall approve all accounts for payment, except that the weekly payroll may be approved by the chairman or other authorized member, and the chairman, or other authorized member, shall certify all accounts to the city controller for payment when approved. (Ord. 1914, ch. 40, § 2; Rev. Ords. 1946, ch. 24, § 3)

Sec. 18-37. Duty not to incur indebtedness in excess of appropriations.

The board of park commissioners shall at no time incur any indebtedness in excess of the amount appropriated by the city council. (Ord. 1914, ch. 40, § 2; Rev. Ords. 1946, ch. 24, § 4)

Sec. 18-38. Office and office hours.

The board of park commissioners shall have an office at Roger Williams Park, which shall be open for business during such hours as they shall determine. (Ord. 1914, ch. 40, § 2; Rev. Ords. 1946, ch. 24, § 1)

Sec. 18-39. Records and reports required.

The board of park commissioners shall cause a record to be kept of all business transacted by them, and shall annually, in the month of January, make a report to the city council of the condition of the city parks under its jurisdiction, which report shall contain an accurate detailed account of all moneys received and expended by said commissioners in pursuance of authority granted by this chapter, or by the city council, and the general purposes of such expenditures, and also such other information as they shall deem expedient. (Ord. 1914, ch. 40, § 2; Rev. Ords. 1946, ch. 24, § 2)

Secs. 18-40—18-49. Reserved.

Article III. Department of Recreation*

Sec. 18-50. Establishment of department of recreation.

There is hereby established a department of recreation of the city. (Ch. 24, § 7.1, added by Ord. 1947, ch. 1621, § 1)

Sec. 18-51. Appointment, term of director of recreation.

The mayor shall appoint, without the necessity of any approval or confirmation of any other person or body, a qualified person to serve as director of recreation. Said director shall hold office until the first Monday in January, 1972, or until his successor is elected and qualified. On the first Monday in January, 1972, or soon thereafter as may be convenient, and every fifth year thereafter, the mayor shall appoint said director for a term of five (5) years. Any vacancy occurring in the office of director of recreation shall be filled in like manner by appointment by the mayor. (Ch. 24, § 7.2, added by Ord. 1947, ch. 1621, § 1)

Sec. 18-52. Qualifications of director of recreation.

The director of recreation shall be at least thirty (30) years of age, shall have a thorough knowledge of the recreational field, its philosophy and its techniques, shall have administrative ability and some skill in public relations, shall have had four (4) years of college training or its equivalent, and a minimum of four (4) years' experience in the recreational field. (Ch. 24, § 7.3, added by Ord. 1947, ch. 1621, § 2)

Sec. 18-53. Salary of director of recreation.

The salary to be paid the director of recreation shall be at the rate per annum provided by the compensation plan of the city, or by ordinance. (Ch. 24, § 7.4, added by Ord. 1947, ch. 1621, § 3)

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*Charter reference—Appointive officers and employees, § 4.1 et seq.; board of park commissioners, § 5.50 et seq.

State law references—Authority of city to establish department of recreation, P. L. 1947, ch. 1856; council authority to pass ordinances regulating care, management and use of parks and public squares, § 32-3-1, Gen. Laws 1956; jurisdiction of state chief of division of forests, parks and parkways in cities, §§ 32-2-1, 32-2-2, 32-2-4, 32-2-5, Gen. Laws 1956.

Sec. 18-54. Deputies, assistants and employees of department of recreation.

The director of recreation, subject to the approval of the mayor, may appoint such deputies, assistants and employees under his supervision and control as the city council may deem necessary and for whose compensation appropriation has been made. The city council shall prescribe their powers and duties, fix their compensation and establish their classification. (Ch. 24, § 7.5, added by Ord. 1947, ch. 1621, § 4)

Sec. 18-55. General duties of director of recreation.

The director of recreation shall have the status of a department head with all the powers and duties appertaining thereto, and shall be subject to all the provisions of the charter relating to department heads. He shall be charged with the administration of the department of recreation and authorized to develop playgrounds, play fields, neighborhood parks and play lots in the city in such manner as the city council may by ordinance, resolution, rule or regulation determine. (Ch. 24, § 7.6, added by Ord. 1947, ch. 1621, § 5)

Sec. 18-56. Duties of director of recreation as to playgrounds, sports, etc.

The director of recreation shall have such care, management and control over the use and operation of all public playgrounds and places used for recreation activities, and the equipment and facilities thereof, of the city, and the conducting and the promotion thereon and therewith of play, sport, physical and industrial education and recreation activities and managing and regulating the same, and relative to any other matters within the purview of this article as the city council of said city from time to time by ordinance may prescribe. (Ch. 24, § 7.7, added by Ord. 1947, ch. 1621, § 5)

Sec. 18-57. Authority of director of recreation to use school property.

The director of recreation, from time to time, with the consent of the school committee or other body now or hereafter

controlling the school properties of the city, may use any public school yards, buildings and properties or parts thereof of the city for any recreational purposes provided for in this article, during any period or periods of time which would not interfere with the regular use of the same for school purposes, or any work of repair or otherwise pertaining to the same. The school committee or other such body may, at any time, withdraw any such consent. (Ch. 24, § 7.8, added by 1947, ch. 1621, § 6)

Sec. 18-58. Authority of director of recreation to use public, private property.

The director of recreation may use any public grounds, recreation places, buildings and apparatus in the city, the use of which is permitted by the board of park commissioners of the city, or any other board, commission or officer, to any extent that the same may be legally authorized to permit the use of such grounds or property for public playground purposes or recreation activities. Any such permit may at any time be withdrawn. Said director of recreation may also, in his discretion, take charge of and use any grounds, places, buildings or apparatus, which any person or persons may offer or permit the use of for public playground purposes or recreation activities in said city. (Ch. 24, § 7.9, added by Ord. 1947, ch. 1621, § 7)

Sec. 18-59. Effect of provisions on board of park commissioners, other boards.

Nothing contained in this article shall be construed to take away from the city council or the city or the park commissioners of the city, or any board, commission or officer, any powers of control or management of any public park or parkways, except that, with reference to any parts thereof which are used by the director of recreation for public playgrounds or recreation activities, the director of recreation shall have the unrestricted use of all equipment and facilities thereof or therefor, and shall exclusively prescribe the rules and regulations under which such play, sport, physical education and recreation activities shall be carried on, but such rules and

regulations shall be made subject to all laws of the state and ordinances of the city for the protection and preservation of public parks and parkways and the maintenance of due order therein. (Ch. 24, § 7.10, added by Ord. 1947, ch. 1621, § 8)

Sec. 18-60. Appointment of advisory committee to director of recreation.

(a) The mayor shall appoint, without the necessity of any approval or confirmation by any other person or body, seven (7) qualified electors of the city to serve seven (7) year terms as a representative advisory committee to the director of recreation; provided however, that the terms of each member shall expire in successive years. In January of each year, the mayor shall appoint one member of said committee to succeed the member whose term then expires, and said appointee shall thereafter hold office for a term of seven (7) years.

(b) The mayor shall be a member of said committee, ex officio. (Ch. 24, § 7.11, added by Ord. 1947, ch. 1621, § 9)

Sec. 18-61. Expiration of terms of office, vacancies in advisory committee.

All members appointed by the mayor to the advisory committee provided for in section 18-60 shall serve until their respective successors have been appointed, and shall have qualified. Any vacancy occurring among the members of the committee shall be filled for the unexpired term in the same manner as the original appointment. (Ch. 24, § 7.12, added by Ord. 1947, ch. 1621, § 9)

Sec. 18-62. Organization of advisory committee.

As soon as practicable after each annual appointment, the advisory committee provided for in section 18-60 shall organize by electing from its own members a chairman and a secretary. (Ch. 24, § 7.12, added by Ord. 1947, ch. 1621, § 9)

Sec. 18-63. Compensation of members of advisory committee.

No member of the advisory committee provided for in section 18-60 shall receive any compensation for its services rendered to the committee. (Ch. 24, § 7.12, added by Ord. 1947, ch. 1621, § 9)

Sec. 18-64. Advisory committee's function.

The advisory committee provided for in section 18-60 shall function entirely in an advisory capacity to the director of recreation. (Ch. 24, § 7.12, added by Ord. 1947, ch. 1621, § 9)

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Chapter 19

RAILROADS*

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Sec. 19-4. Public service engineer to have supervision of railroads, fixtures.
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Sec. 19-7. Public service engineer to investigate overcrowding.
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Sec. 19-21. Paving, repaving, or repairing at option of city.
Sec. 19-22. Removal of snow and ice.
Sec. 19-23. Use of salt for melting snow and ice.
Sec. 19-24. Distance between cars traveling in same direction.
Sec. 19-25. Freight cars on tracks in street.
Sec. 19-26. Lights on boxcars.
Sec. 19-27. Companies to indemnify city from damages, costs and expenses.

Sec. 19-1. Permits of certain companies continued.

(a) The permission heretofore granted to the Union Railroad Company, the Providence Cable Tramway Company, the Union Railroad Company (The Rhode Island Company, lessee), The Rhode Island Company, and to the following companies, respectively, which by acts of the General Assembly were consolidated with said Union Railroad Company, namely, the Providence and Pawtuxet Railroad Company,

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*Charter reference—Powers of city, § 2.1 et seq.

Cross references—Public service engineer, § 2-233 et seq.; soliciting for railroads and watercraft, § 14-11.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; provisions pertaining to railroads, chapters 39-7, 39-8, Gen. Laws 1956.

the Providence and Cranston Railroad Company, the Elmwood Horse Railroad Company, the Broadway and Providence Railroad Company, the South Main Street Horse Railroad Company, and the Providence, Pawtucket and Central Falls Railroad Company, to locate and operate, with passenger and freight cars, railroad tracks within the city in certain streets, as the same are now located and operated therein, is hereby continued to said companies, respectively, subject to the provisions of this chapter.

(b) The permission heretofore granted to the Boston and Providence Railroad Company, the Providence, Warren and Bristol Railroad Company, the Old Colony Railroad Company, the New York, Providence and Boston Railroad Company, and the New York, New Haven and Hartford Railroad Company, respectively, to locate and operate railroad tracks in India Street and Allen's Avenue, is hereby continued to said companies respectively; and said permission so granted and continued is granted and continued subject to all of the provisions of this chapter and also upon the express terms and conditions herein named. (Ord. 1914, ch. 51, §§ 6, 23; Rev. Ords. 1946, ch. 30, § 11)

Sec. 19-2. Rights reserved to city.

(a) *Scope of order.* The city council hereby reserves the right, in the exercise of its powers for the time being, at any time and from time to time existing, to amend, alter or annul any provision of this chapter, and the terms and conditions upon which permission is hereby granted or continued to railroad companies, or any of them, to locate, continue or operate railroads within the city, and also the right to order such railroads and the rails or any part thereof to be taken up, and the streets through which the same are laid to be restored to their original grade and condition, and to be put in good and complete order and repair, so that the same may be safe and convenient for traveling with their teams, carts and vehicles at all seasons of the year. The same shall be done at the expense of such company, under the superintendence and to the satisfaction of the director of public

works, and in case the same is not done by such company within the time limited therefor, then the city council may cause the same to be done, and the expense thereof shall be paid by such company, and the city shall have a lien upon the road hereby authorized, for the payment thereof.

(b) *Time to comply.* Said city council shall give at least ninety (90) days' notice to any company of its intentions to alter, annul or amend the terms and conditions of the permission hereby granted or continued, or of its intention to require the rails to be taken up; and whenever said terms and conditions shall be altered, amended or annulled, or any company shall be required to remove its rails, they shall have at least the period of ninety (90) days from the passage of the order making said alteration or requirement to comply with the same. (Ord. 1914, ch. 51, § 26; Rev. Ords. 1946, ch. 30, § 26)

Sec. 19-3. Conformance to rules, regulations.

Every railroad company regulated herein shall at all times conform to all such reasonable rules and regulations as from time to time may be made by the city council. (Ord. 1914, ch. 51, § 20; Rev. Ords. 1946, ch. 30, § 22)

Sec. 19-4. Public service engineer to have supervision of railroads, fixtures.

The public service engineer shall have general supervision of all railroads in the streets of the city, including all railroad fixtures in such streets and all passenger, freight and other cars operated therein for any purpose, and general supervision of the operation of all such cars in the city. (Ord. 1914, ch. 51, § 27; Ord. 1915, ch. 106, § 8; Rev. Ords. 1946, ch. 30, § 27)

Sec. 19-5. Public service engineer to inspect cars, fixtures, appurtenances.

The public service engineer shall inspect and see that all railroad fixtures, cars and appurtenances, now or hereafter

located, placed, constructed, maintained, used or operated in, on, over, across or under the streets and other public places in the city, are located, placed, constructed, maintained, used and operated in a proper and safe manner and condition, and in accordance with the terms and conditions of the grants or permissions for the same, and of any agreements or contracts with the city relative thereto, and of this chapter and all ordinances in amendment thereof or in addition thereto, and of all laws, ordinances, rules and regulations pertaining thereto. In case of any failure by any public service company, corporation or person to so locate, place, construct, maintain, use and operate the same, he shall forthwith make report thereof to the parties concerned, and if the latter do not promptly observe and perform all such laws, ordinances, rules, regulations, terms and conditions, and all requirements to locate, place, construct, maintain, use and operate the same in proper and safe manner and condition, said engineer shall, in any case of sufficient importance, make report thereof to the city council. (Ord. 1914, ch. 51, § 27; Ord. 1915, ch. 106, § 8; Rev. Ords. 1946, ch. 30, § 28)

Sec. 19-6. Public service engineer to check delays, installation of signs, cleanliness; to enforce compliance with rules.

The public service engineer shall observe and note any delays in railroad car operation and the reason therefor, including any delays caused by other street travel or slow-moving vehicles keeping the track against the right-of-way of cars, whether signs on the cars are installed and maintained as required by law or any agreement or regulation, whether a first-class standard of keeping passenger cars clean is maintained, and in case of any uncleanliness of any cars, the cause thereof. He shall also observe and note any failure by any public service company, corporation or persons owning or operating any such railroad, to comply with any law, ordinance, rule or regulation relative to any such railroad or the operation thereof, including any negligence or improper conduct on the part of any employee of any such railroad. (Ord. 1914, ch. 51, § 28; Rev. Ords. 1946, ch. 30, § 31)

Sec. 19-7. Public service engineer to investigate overcrowding.

The public service engineer shall investigate the cause of any excessive crowding of passenger cars and shall promptly give notice thereof and of the cause as ascertained by him, to the public service company, corporation or person, owning or operating such cars. (Ord. 1914, ch. 51, § 28; Rev. Ords. 1946, ch. 30, § 30)

Sec. 19-8. Request to public service engineer to make investigation.

The public service engineer, upon request of the committee on public works of the city council, shall investigate any matter pending relative to any railroad referred to him by said committee, and report to it his findings and recommendations relative thereto. (Ord. 1915, ch. 106, § 9; Rev. Ords. 1946, ch. 30, § 32)

Sec. 19-9. Records of operations to be kept by public service engineer.

The public service engineer shall make and keep or cause to be made and kept, accurate and complete records of the operation of each and all railroads subject to the provisions of this chapter, including the number of cars operated on and the car mileage of each route, the time schedules of the operation thereof, the observance or failure to conform with such schedules, and the number of passengers carried. (Ord. 1914, ch. 51, § 28; Rev. Ords. 1946, ch. 30, § 29)

Sec. 19-10. Public service engineer to keep records, make reports of his work concerning railroads.

In addition to other required records, the public service engineer shall make and keep or cause to be made and kept in books of the city, an accurate and complete record of all his general work concerning railroads and the operation thereof in, over and across the city streets and public places, and each year in January for the next preceding calendar year he shall make report thereof in writing to the city

council, and at any time, when he deems it necessary or advisable may make a special report to the city council. In any such report, he may include any findings made by him, and may make recommendations looking to the betterment of service. (Ord. 1915, ch. 106, § 9; Rev. Ords. 1946, ch. 30, § 32)

Sec. 19-11. Right to run on tracks on India Street and Allen's Avenue.

The city council shall have the right to permit any railroad company to run its cars over tracks on India Street and Allen's Avenue upon the payment of such compensation, and upon such terms and conditions, as may be agreed on by the companies concerned; or in default of such agreement, then upon such terms, conditions and compensation as said city council may prescribe. (Ord. 1914, ch. 51, § 24; Rev. Ords. 1946, ch. 30, § 24)

Sec. 19-12. Abandonment of grants and privileges by companies.

Each railroad company subject to the provisions of this chapter shall have the right to give notice to the city council, at any time, that such company will no longer use or enjoy the grant or privilege herein made or continued to such company, as to all or any portion of the streets occupied by its rails; and shall thereupon, within ninety (90) days after such notice, remove their railroad track and fixtures from such streets or portions thereof, and restore the same to their original condition, and in as good order and repair as the same may then be, and to the satisfaction of the city council. (Ord. 1914, ch. 51, § 25; Rev. Ords. 1946, ch. 30, § 25)

Sec. 19-13. Tracks to conform to surveys, grades and regulations.

In locating, continuing and using tracks for railroads in streets, the company owning or operating said tracks shall conform at all times to the surveys, grades and regulations of any and all of the streets occupied by the tracks of such

company, as the same now are or may hereafter be established by law. (Ord. 1914, ch. 51, § 11; Rev. Ords. 1946, ch. 30, § 12)

Sec. 19-14. Location, routes, etc., to conform to surveys and plans.

The location of the roadways of railroads occupying portions of or crossing city streets, the several routes thereof, the distance of the rails from the curbstone, the method of laying and securing the rails and roadbed, the location of the turnouts and the profile of the grade of said roads, respectively, shall conform to the surveys and plans thereof respectively as the same have been or may be approved by the city council. (Ord. 1914, ch. 51, § 11; Rev. Ords. 1946, ch. 30, § 13)

Sec. 19-15. Duty to keep streets in good repair, pave between rails.

Each company subject to the provisions of this chapter shall keep and maintain in good order and condition, by paving, repaving and repairing wherever and whenever necessary, that portion of the streets that may be occupied by its railroad tracks, so that the said streets may be safe and convenient for travellers at all times; and in all streets, the said company or party shall pave between its rails and one and one-half (1½) feet outside of each rail, and the pavement, repairs and work shall conform with the directions and specifications made from time to time by the director of public works. Cobble pavement shall not be used on any new or renewal work, unless the director of public works shall relieve the company of observing this prohibition as to any particular street or part thereof. (Ord. 1914, ch. 51, § 12; Rev. Ords. 1946, ch. 30, § 14)

Sec. 19-16. Tracks to be laid on cement concrete subbase.

Only railway tracks on Portland cement concrete subbase shall be constructed in all new or renewal work on lines within any street, or parts thereof, which are paved with a

subbase of such concrete, unless the director of public works shall modify or relieve the company of observing their obligation as to any particular line or lines or part or parts thereof. In all other streets only railway tracks on concrete subbase or its equivalent shall be constructed in all new or renewal work on lines within any street, unless the director of public works shall modify or relieve the company of observing this obligation as to any particular line or part thereof. Six (6) inches of broken stone three-quarters (¾) inch size and less under and between the ties with granite blocks grouted with either cement or tar and gravel shall constitute such an equivalent. (Ord. 1914, ch. 51, § 13; Rev. Ords. 1946, ch. 30, § 15)

Sec. 19-17. Director of public works to supervise railroad work on streets.

All work at any time done on any street in the city by any railroad company shall be done under the supervision and subject to the approval of the director of public works, and every railroad company shall mend, repair, pave and repave the streets occupied by their rails as herein provided, and remove all obstructions therefrom whenever required to do so by said director. Should they neglect or refuse so to do for a period of ten (10) days after notice that they are so required, the city council may forbid the use of such tracks on such streets, or any of them, until such requirement is complied with, and the work may be done by the director of public works, and the expense thereof shall be paid by the company so refusing or neglecting to perform. (Ord. 1914, ch. 51, § 15; Rev. Ords. 1946, ch. 30, § 17)

Sec. 19-18. Rails at curves.

A company subject to the provisions of this chapter shall maintain proper rails at curves and in proper condition, in order to avoid unnecessary and unreasonable noise. (Ord. 1914, ch. 51, § 14; Rev. Ords. 1946, ch. 30, § 16)

Sec. 19-19. Alteration in sewerage or drainage system.

Any alteration in the sewerage or drainage system or any subsurface or surface structures in the streets, required on account of the construction or operation of any railroad shall be made at the sole cost of such company, but shall not be made without the prior approval of the director of public works, and the city reserves the right at its option as exercised by said director to do or cause the work to be done, and in such case such company shall pay the cost to the city not later than thirty (30) days after demand therefor. (Ord. 1914, ch. 51, § 16; Rev. Ords. 1946, ch. 30, § 18)

Sec. 19-20. Railways not to interfere with public work of city.

(a) No right to maintain or to operate any railway shall be in preference or hindrance of public work of the city, and should any railway in any way interfere with the construction, alteration or repair of any public work in any street, whether done by the city directly or by any contractor for the city, such company shall at its own expense protect or move the track and appurtenances, or discontinue the operation thereof for the time being, as directed by the director of public works, without the city being liable for any damages suffered by the company thereby.

(b) In case it shall be obliged to remove any tracks on account of sewer or other highway work as aforesaid, the pavement shall be relaid at the expense of the city or the contractor or party performing the work necessitating the removal of the track. Sewer connections, so far as practicable shall be made without interfering with railway traffic.

(c) The city shall notify the company, a reasonable time in advance, of any public work which will interfere with any of its railways or the operation thereof. (Ord. 1914, ch. 51, § 17; Rev. Ords. 1946, ch. 30, § 19)

Sec. 19-21. Paving, repaving or repairing at option of city.

In every case where paving, repaving or repairing of any street is required to be done by any railroad company, the

city reserves to itself the right to do the same at its option, and the expense thereof shall be paid by the company of whom such work was required. If such company shall neglect or refuse to pay such expense within ten (10) days after demand therefor, the city council may forbid the running of any car upon any portion of the tracks of such company until the same is paid, and may have a lien upon the railroad of such company within its limits for the payment of all expenses. (Ord. 1914, ch. 51, § 18; Rev. Ords. 1946, ch. 30, § 20)

Sec. 19-22. Removal of snow and ice.

A company subject to the provisions of this chapter shall promptly cause snow and ice to be removed to the extent necessary for convenient travel from the portions of the streets between its rails and to the extent of eighteen (18) inches beyond the outer rails by its snowplows or sweepers, the snow so removed to be carried to a place wholly out of such highways, and the same not to be deposited in any street, or on any public land without the prior consent of the department or officer in charge of such public land; provided that the director of public works from time to time may direct that the company, instead of removing snow and ice from said portions of such streets, shall as equivalent and substituted work, remove snow and ice from the whole of the roadways of such streets as may from time to time be agreed upon by said director and the company. (Ord. 1914, ch. 51, § 19; Rev. Ords. 1946, ch. 30, § 21)

Cross reference—Removal of snow and ice generally, § 23-13 et seq.

Sec. 19-23. Use of salt for melting snow and ice.

The use of salt or other material by any railroad company for the purpose of melting snow or ice shall be limited to switches, turnouts, curves and heavy grades, except in cases of heavy snow or sleet storms, when the use of salt or other material is necessary to keep railway tracks clear; and in all such cases salt or other material shall be used only in such quantities as shall be actually required by existing conditions,

the same to be applied in all such cases under the direction of the director of public works. (Ord. 1914, ch. 51, § 2; Rev. Ords. 1946, ch. 30, § 8)

Sec. 19-24. Distance between cars traveling in same direction.

Railroad cars of railroads proceeding in the same direction shall not approach each other within a distance of thirty (30) feet, except in the approaches to the passenger station and at turnouts; or except in case of accident, or to prevent injury to persons or property, or to avoid blockading a street, or when two cars are coupled together. (Ord. 1914, ch. 51, § 1; Rev. Ords. 1946, ch. 30, § 1)

Sec. 19-25. Freight cars on tracks in street.

No railroad car used for the transportation of freight or merchandise shall be allowed to remain upon the main track of any railroad in any street for any longer time than is actually necessary to load or unload such car; and in case any such car while remaining on any street, loaded or unloaded or in process of being loaded or unloaded, shall at any time materially obstruct any main line of travel in such street, either the director of public works or the public service engineer may order the same to be removed or to be temporarily removed to another location, and it shall be the duty of every person in charge of the operation of such car in such street to comply with such order. (Ord. 1915, ch. 106, § 7; Rev. Ords. 1946, ch. 30, § 9)

Sec. 19-26. Lights on boxcars.

Every box freight car of a railroad when operated singly or as the head car in double or more operation at night, in addition to the headlight shall be lighted by two (2) front lights located at or near the top of the car. (Ord. 1914, ch. 51, § 1; Rev. Ords. 1946, ch. 30, § 10)

Sec. 19-27. Companies to indemnify city from damages, costs and expenses.

Every railroad company subject to the provisions of this chapter shall at all times indemnify and save harmless and defend the city of and from all damages, costs and expenses to which said city may be subjected or made liable by any proceedings at law or in equity or otherwise, growing out of the grant or continuance of the permission and privileges granted to such company by this chapter, or out of the exercise and enjoyment of the same by such company. (Ord. 1914, ch. 51, § 21; Rev. Ords. 1946, ch. 30, § 23)

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Chapter 20

REDEVELOPMENT AREAS*

Sec. 20-1. Authority; designation of areas.
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Sec. 20-3. Redevelopment area A-2.
Sec. 20-4. Redevelopment area A-3.
Sec. 20-5. Redevelopment area A-4.
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Sec. 20-15. Redevelopment area D-5.
Sec. 20-16. Redevelopment area D-6.
Sec. 20-17. Redevelopment area D-7.
Sec. 20-18. Redevelopment area D-8.
Sec. 20-19. Redevelopment area D-9.

Sec. 20-1. Authority; designation of areas.

The city council of the city hereby designates, in accordance with section 22 of chapter 1802 of the Public Laws, 1946, known as the "Community Redevelopment Act", the redevelopment areas as set out in this chapter. (Ch. 30A, § 1, added by Ord. 1948, ch. 103, § 1)

Editor's note—Ch. 1802 of the Public Laws 1946 was repealed by § 87 of ch. 2574 of the Public Laws of 1950; however, said § 87 also ratified, confirmed and declared legal ordinances creating, establishing and organizing redevelopment agencies in the City of Providence. Said ch. 2574 was in turn repealed by ch. 3654, § 90 of the Public Laws of 1956. Ch. 3654 will be found in chs. 45-31—45-33, Gen. Laws of 1956. For tabulation giving list of ordinances approving and adopting official redevelopment plans, see Appendix B.

Sec. 20-2. Redevelopment area A-1.

The following areas in the city shall be designated as redevelopment area A-1:

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*Charter reference—Powers of city, § 2.1 et seq.

Cross reference—Appointment, authority of urban renewal coordinator, § 13-7.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; redevelopment agencies, ch. 45-31, Gen. Laws 1956; redevelopment projects, ch. 45-32, Gen. Laws 1956; redevelopment financing, ch. 45-33, Gen. Laws 1956.

(a) Beginning at the southwesterly intersection of Reservoir Avenue and Niantic Avenue; thence running in a northerly direction along the westerly side of Niantic Avenue which is the city line approximately 6,610 feet to the southwesterly intersection of Niantic Avenue and Cranston Street; thence northeasterly along the southeasterly side of Cranston Street approximately 45 feet to the intersection with the right-of-way of the New York, New Haven & Hartford Railroad; thence running in a southeasterly direction bounded northeasterly by said railroad right-of-way approximately 3,470 feet to the intersection with the northeasterly corner of the property of the Gorham Manufacturing Company; thence running westerly and southerly bounded northerly and westerly by the property of the State of Rhode Island and Providence Plantations approximately 4,945 feet to the southeasterly termination of Humes Street; thence running northeasterly approximately 175 feet along the southeasterly side of Humes Street to the southerly intersection of Humes Street and Crescent Street; thence southeasterly along the southerly side of Crescent Street approximately 160 feet to the western intersection of Crescent Street and Reservoir Avenue; thence southwesterly along the northwesterly side of Reservoir Avenue approximately 2,460 feet to the point and place of beginning.

(b) Beginning at the intersection of the northwesterly line of Cranston Street and the southwesterly line of the New York, New Haven & Hartford Railroad right-of-way; thence northeasterly along the northwesterly line of Cranston Street approximately 105 feet to an intersection with the northeasterly line of said railroad right-of-way; thence northwesterly along said railroad right-of-way approximately 95 feet to land of the State of Rhode Island; thence northeasterly 88 feet, southeasterly 48 feet, northeasterly 40 feet, and southeasterly 78 feet, along said State land to the northwesterly line of Cranston Street; thence easterly 100 feet to the intersection of the southeasterly line of Cranston Street and the northeasterly line of Huntington Avenue; thence southeasterly along the northeasterly line of Huntington Avenue approximately 3,010 feet to an intersection with the easterly

line of Mashapaug Street; thence southerly across Huntington Avenue and across said railroad right-of-way to the southwesterly line of said railroad right-of-way; thence northwesterly along the southwesterly line of said railroad right-of-way approximately 3,470 feet to an intersection with the southeasterly line of Cranston Street; thence southwesterly along the southeasterly line of Cranston Street 50 feet to an intersection with the westerly line of Niantic Avenue; thence northerly across Cranston Street to the point and place of beginning. (Ch. 30A, § 2, added by Ord. 1948, ch. 103, § 1; Ord. 1960, ch. 1367, § 1)

Sec. 20-3. Redevelopment area A-2.

The following area in the city shall be designated as redevelopment area A-2:

Beginning at the northeasterly intersection of Plainfield Street and Silver Lake Avenue; thence northeasterly along the southeasterly side of Plainfield Street approximately 2,965 feet to the southwesterly intersection of Daniel Avenue and Plainfield Street; thence southeasterly along the southwesterly side of Daniel Avenue approximately 1,320 feet to the westerly intersection of Daniel Avenue and Ethan Street; thence southwesterly along the northwesterly side of Ethan Street approximately 1,970 feet to the westerly intersection of Farmington Avenue and Ethan Street; thence northwesterly along the southwesterly side of Farmington Avenue approximately 80 feet to the southerly intersection of Farmington Avenue and Libia Street; thence southwesterly along the southeasterly side of Libia Street approximately 240 feet to the city line; thence in a generally westerly and northerly direction along the city line approximately 1,800 feet to the intersection of the city line and the southerly line of Silver Lake Avenue; thence northwesterly approximately 50 feet to the point and place of beginning. (Ch. 30A, § 3, added by Ord. 1948, ch. 103, § 1)

Sec. 20-4. Redevelopment area A-3.

The following area in the city shall be designated as redevelopment area A-3:

Beginning at the northwesterly intersection of Petteys Avenue and Killingly Street; thence northwesterly along the northeasterly side of Killingly Street and Sunset Avenue approximately 2,430 feet to the city line; thence northerly and southeasterly along the city line approximately 5,870 feet to the center line of the Woonasquatucket River; thence in a generally southeasterly direction along the center line of the Woonasquatucket River approximately 2,430 feet to the property of the State of Rhode Island commonly known as Merino Park; thence in a generally southwesterly direction bounded on the south and east by said property of the State of Rhode Island approximately 550 feet to the intersection of the boundary of the state owned property and City View Parkway at the easterly termination of Dresser Street; thence southeasterly approximately 120 feet to the southwesterly intersection of City View Parkway and Flower Street; thence southwesterly along the northwesterly side of Flower Street approximately 445 feet to the southwesterly side of Hartford Avenue; thence northwesterly along the southwesterly side of Hartford Avenue, approximately 1,430 feet to the southwesterly intersection of Hartford Avenue and Petteys Avenue; thence southerly along the westerly side of Petteys Avenue approximately 2,090 feet to the point and place of beginning. (Ch. 30A, § 4, added by Ord. 1948, ch. 103, § 1)

Sec. 20-5. Redevelopment area A-4.

The following area in the city shall be designated as redevelopment area A-4:

Beginning at the northwesterly intersection of Mt. Pleasant Avenue and Canonchet Street; thence westerly along the northerly side of Canonchet Street approximately 434 feet to the northwesterly intersection of Canonchet Street and Winthrop Avenue; thence southerly along the westerly side of Winthrop Avenue approximately 1,140 feet to the southerly side of Chalkstone Avenue; thence westerly along the southerly side of Chalkstone Avenue approximately 1,405 feet to the southwesterly intersection of Chalkstone Avenue and Imera Avenue; thence southerly along the westerly side

of Imera Avenue approximately 1,250 feet to the northwesterly intersection of Actinia Street and Imera Avenue; thence westerly along the northerly side of Actinia Street approximately 200 feet to the westerly side of Rushmore Avenue; thence northerly along the westerly side of Rushmore Avenue approximately 140 feet to the southwesterly intersection of Ada Avenue and Rushmore Avenue; thence westerly along the southerly side of Ada Avenue approximately 400 feet to the southwesterly intersection of Ada Avenue and Brush Hill Road; thence southwesterly along the northwesterly side of Brush Hill Road approximately 1,150 feet to the southerly side of Manton Avenue; thence westerly along the southerly side of Manton Avenue approximately 340 feet to the southeasterly intersection of Manton Avenue and Riverdale Street; thence southwesterly along the southeasterly side of Riverdale Street approximately 720 feet to the right-of-way of the New York, New Haven & Hartford Railroad; thence northerly bounded westerly by the said railroad right-of-way approximately 840 feet to the city line; thence in a generally northwesterly and northeasterly direction along the city line approximately 9,660 feet to the westerly boundary of the State Home and School; thence southwesterly along the westerly boundary line of the State Home and School approximately 1,230 feet to the intersection of the westerly boundary line of the State Home and School and the northerly boundary line of Triggs Memorial Park; thence southwesterly across Triggs Memorial Park approximately 1,440 feet to the intersection of the westerly boundary of Triggs Park and Bullock Avenue on range of the southerly side of Batterson Street; thence southerly and easterly along the Triggs Park boundary approximately 2,230 feet to the intersection of the park boundary and Chalkstone Avenue; thence in a generally easterly direction along the northerly side of Chalkstone Avenue approximately 2,492 feet to the intersection of Chalkstone Avenue and the easterly boundary of Triggs Park; thence in a generally northeasterly direction along the Triggs Park boundary approximately 2,522 feet to the intersection of the easterly boundary of Triggs Park with the southerly boundary of the Mt. Pleasant High School

property; thence easterly along the southerly boundary of Mt. Pleasant High School approximately 1,325 feet to the westerly side of Mt. Pleasant Avenue; thence southerly along the westerly side of Mt. Pleasant Avenue approximately 710 feet to the point and place of beginning. (Ch. 30A, § 5, added by Ord. 1948, ch. 103, § 1)

Sec. 20-6. Redevelopment area A-5.

The following area in the city shall be designated as redevelopment area A-5:

Beginning at the southwesterly intersection of Smith Street and Cathedral Avenue; thence southwesterly along the northwesterly side of Cathedral Avenue approximately 1,525 feet to the northeasterly intersection of Cathedral Avenue and Mount Pleasant Avenue; thence northerly along the easterly side of Mount Pleasant Avenue approximately 2,590 feet to the southeasterly intersection of Smith Street and Mount Pleasant Avenue; thence southeasterly along the southwesterly side of Smith Street, approximately 2,160 feet to the point and place of beginning. (Ch. 30A, § 6, added by Ord. 1948, ch. 103, § 1)

Sec. 20-7. Redevelopment area A-6.

The following area in the city shall be designated as redevelopment area A-6:

Beginning at the northwesterly intersection of Veazie Street and O'Neil Street; thence westerly along the northerly side of O'Neil Street approximately 575 feet to the southwesterly side of Douglas Avenue; thence northwesterly along the southwesterly side of Douglas Avenue approximately 695 feet to the northwesterly intersection of Douglas Avenue and Hazael Street; thence southwesterly along the northwesterly side of Hazael Street approximately 1,610 feet to the southwesterly side of Admiral Street; thence northerly along the southwesterly side of Admiral Street approximately 550 feet to the northwesterly intersection of Admiral Street and Sharon Street; thence southerly along the westerly side of

Sharon Street approximately 540 feet to the northwesterly intersection of Sharon Street and Naples Avenue; thence southwesterly along the northwesterly side of Naples Avenue approximately 1,320 feet to the northeasterly intersection of Naples Avenue and Enfield Avenue; thence northwesterly along the northeasterly side of Enfield Avenue approximately 265 feet to the southeasterly intersection of Enfield Avenue and Isabella Avenue; thence southwesterly along the southeasterly side of Isabella Avenue approximately 1,120 feet to the northwesterly side of Longwood Avenue; thence northeasterly along the northwesterly side of Longwood Avenue, approximately 610 feet to the northwesterly intersection of Longwood Avenue and Kentland Avenue; thence northwesterly along the northeasterly side of Kentland Avenue approximately 120 feet to the city line; thence northeasterly along the city line approximately 3,320 feet to the northeasterly side of Douglas Avenue; thence southeasterly along the northeasterly side of Douglas Avenue approximately 140 feet to the center line of West River; thence in a southeasterly direction along the center line of West River approximately 2,860 feet to the northwesterly side of Veazie Street; thence southwesterly along the northwesterly side of Veazie Street approximately 960 feet to the point and place of beginning. (Ch. 30A, § 7, added by Ord. 1948, ch. 103, § 1)

Sec. 20-8. Redevelopment area A-7.

The following area in the city shall be designated as redevelopment area A-7:

Beginning at the northeasterly intersection of Douglas Avenue and Stansbury Street; thence northeasterly along the northwesterly side of Stansbury Street approximately 1,490 feet to the property of Wanskuck Company; thence in a southeasterly direction approximately 470 feet to the southeasterly termination of Sherwood Street which is also the northerly corner of Corliss Park; thence southwesterly along the southeasterly side of Sherwood Street approximately 103 feet to the southeasterly intersection of Cornwall Street and Sherwood Street; thence southeasterly along the northeasterly

side of Cornwall Street approximately 240 feet to the southeast intersection of Cornwall Street and Lancashire Street; thence southwesterly along the southeasterly side of Lancashire Street approximately 551 feet to the southeasterly intersection of Lancashire Street and Glasgow Street; thence southeasterly along the northeasterly side of Glasgow Street approximately 620 feet to the southeasterly intersection of Glasgow Street and Vespucci Street; thence southwesterly along the southeasterly side of Vespucci Street approximately 903 feet to the southeasterly intersection of Vespucci Street and Douglas Avenue; thence northwesterly along the northeasterly side of Douglas Avenue, approximately 1,370 feet to the point and place of beginning. (Ch. 30A, § 8, added by Ord. 1948, ch. 103, § 1)

Sec. 20-9. Redevelopment area A-8.

The following area in the city shall be designated as redevelopment area A-8:

Beginning at the northwesterly intersection of Silver Spring Street and Branch Avenue; thence northwesterly along the northeasterly side of Branch Avenue approximately 1,725 feet to the northwesterly intersection of Branch Avenue and Charles Street; thence northerly along the westerly side of Charles Street approximately 1,290 feet to the southwesterly intersection of Charles Street and Social Street; thence westerly along the southerly side of Social Street approximately 360 feet to the southeasterly intersection of Social Street and Opper Street; thence in a generally southerly direction along the easterly side of Opper Street approximately 825 feet to the northeasterly intersection of Opper Street and Branch Avenue; thence northwesterly along the northeasterly side of Branch Avenue approximately 290 feet to the northeasterly intersection of Branch Avenue and Langdon Street; thence in a generally northerly direction along the easterly side of Langdon Street approximately 3,270 feet to the city line; thence in a southeasterly direction along the city line approximately 3,850 feet to the westerly line of Smithfield Avenue; thence southerly along the west-

erly side of Smithfield Avenue approximately 865 feet to Silver Spring Street; thence in a generally southwesterly direction along the northwesterly side of Silver Spring Street approximately 3,390 feet to the point and place of beginning. (Ch. 30A, § 9, added by Ord. 1948, ch. 103, § 1)

Sec. 20-10. Redevelopment area A-9.

The following area in the city shall be designated as redevelopment area A-9:

Beginning at the northeasterly intersection of Cemetery Street and Aland Street; thence northeasterly along the southeasterly side of Aland Street approximately 330 feet to the city line; thence northeasterly along the city line approximately 1,745 feet to the northwesterly side of Nashua Street; thence southwesterly along the northwesterly side of Nashua Street approximately 2,015 feet to the northwest intersection of Nashua Street and Cemetery Street; thence in a generally northwesterly direction along the northeasterly side of Cemetery Street approximately 2,170 feet to the point and place of beginning. (Ch. 30A, § 10, added by Ord. 1948, ch. 103, § 1)

Sec. 20-11. Redevelopment area D-1.

The following area in the city shall be designated as redevelopment area D-1:

Beginning at the southeasterly intersection of Eddy Street and Blackstone Street; thence easterly along the southerly side of Blackstone Street approximately 655 feet to the southwesterly intersection of Blackstone Street and Allen's Avenue; thence southeasterly along the southwesterly side of Allen's Avenue approximately 920 feet to the southwesterly intersection of Allen's Avenue and Public Street; thence southwesterly along the southeasterly side of Public Street approximately 235 feet to the southeasterly intersection of Poe Street and Public Street; thence southeasterly along the northeasterly side of Poe Street approximately 2,165 feet to the southeasterly intersection of Poe Street and Lehigh Street; thence easterly along the southerly side of Lehigh

Street approximately 470 feet to the southwest intersection of Lehigh Street and Allen's Avenue; thence southeasterly along the southwesterly side of Allen's Avenue approximately 370 feet to the southwest intersection of Allen's Avenue and Thurbers Avenue; thence in a generally southwesterly direction bounded southeasterly by the property of the New York, New Haven & Hartford Railroad approximately 2,220 feet to the easterly side of Eddy Street; thence northerly along the easterly side of Eddy Street approximately 4,780 feet to the point and place of beginning. (Ch. 30A, § 11, added by Ord. 1948, ch. 103, § 1)

Sec. 20-12. Redevelopment area D-2.

The following area in the city shall be designated as redevelopment area D-2:

Beginning at the northwesterly intersection of Eddy Street and Public Street; thence southwesterly along the northwesterly side of Public Street approximately 3,440 feet to the northeasterly intersection of Public Street and Broad Street; thence in a northerly and easterly direction along the easterly and southerly side of Broad Street approximately 6,640 feet to the southeasterly intersection of Broad Street and Chestnut Street; thence southeasterly along the northeasterly side of Chestnut Street approximately 2,250 feet to the northeasterly intersection of Chestnut Street and Point Street; thence northeasterly along the northwesterly side of Point Street approximately 235 feet to the northwesterly intersection of Point Street and Richmond Street; thence southeasterly along the southwesterly side of Richmond Street approximately 380 feet to the southwesterly intersection of Richmond Street and Eddy Street; thence southwesterly along the northwesterly side of Eddy Street approximately 3,070 feet to the point and place of beginning. (Ch. 30A, § 12, added by Ord. 1948, ch. 103, § 1)

Sec. 20-13. Redevelopment area D-3.

The following area in the city shall be designated as redevelopment area D-3:

Beginning at the southwesterly intersection of Weybosset Street and Broad Street; thence southwesterly along the northwesterly line of Broad Street approximately 5,240 feet to the northwesterly intersection of Broad Street and Dartmouth Avenue; thence westerly along the northerly side of Dartmouth Avenue approximately 1,120 feet to the westerly side of Elmwood Avenue; thence southerly along the westerly side of Elmwood Avenue approximately 95 feet to the northwesterly intersection of Woodman Street and Elmwood Avenue; thence northwesterly along the northeasterly side of Woodman Street approximately 820 feet to the northeasterly intersection of Woodman Street and Bucklin Street; thence northwesterly approximately 130 feet to the southwesterly intersection of Dexter Street and Ford Street; thence northwesterly along the southwesterly side of Ford Street approximately 1,490 feet to the southwesterly intersection of Ford Street and Cranston Street; thence northeasterly along the northwesterly side of Cranston Street approximately 880 feet to the southwesterly intersection of Cranston Street and Parade Street; thence in a generally northwesterly direction along the southwesterly side of Parade Street approximately 1,715 feet to the Southwesterly intersection of Parade Street and Westminster Street; thence in a northwesterly direction across Westminster Street approximately 160 feet to the northeasterly intersection of Westminster Street and Harkness Street; thence northwesterly along the northeasterly side of Harkness Street approximately 800 feet to the southeasterly intersection of Harkness Street and Broadway; thence northeasterly along the southeasterly side of Broadway approximately 4,290 feet to the southwesterly intersection of Broadway and Jackson Street; thence southeasterly along the southwesterly side of Jackson Street approximately 1,115 feet to the southeasterly side of Weybosset Street; thence northeasterly along the southeasterly side of Weybosset Street, approximately 640 feet to the point and place of beginning. (Ch. 30A, § 13, added by Ord. 1948, ch. 103, § 1)

Sec. 20-14. Redevelopment area D-4.

The following area in the city shall be designated as redevelopment area D-4:

Beginning at the northwesterly intersection of Aborn Street and Broadway; thence westerly along the northerly side of Broadway approximately 6,250 feet to the property of the New York, New Haven & Hartford Railroad; thence in a generally northeasterly direction bounded on the north and west by property of the New York, New Haven & Hartford Railroad approximately 5,090 feet to the southwesterly side of Dean Street; thence southeasterly along the southwesterly side of Dean Street approximately 205 feet to the southwesterly intersection of Dean Street and West Exchange Street; thence southeasterly along the southerly side of West Exchange Street approximately 1,655 feet to the southwesterly intersection of West Exchange Street and Aborn Street; thence southwesterly along the northwesterly side of Aborn Street approximately 275 feet to the southwesterly intersection of Aborn Street and Cedar Street; thence southeasterly along the southwesterly side of Aborn Street approximately 945 feet to the point and place of beginning. (Ch. 30A, § 14, added by Ord. 1948, ch. 103, § 1)

Sec. 20-15. Redevelopment area D-5.

The following area in the city shall be designated as redevelopment area D-5:

Beginning at the northwesterly intersection of Valley Street and Broadway; thence northerly along the westerly side of Valley Street approximately 150 feet to the southwesterly intersection of Valley Street and West Bleachery Street; thence northwesterly along the southwesterly side of West Bleachery Street approximately 300 feet to the center line of the Woonasquatucket River; thence southwesterly along the center line of the Woonasquatucket River approximately 430 feet to the intersection of the center line of the Woonasquatucket River and the northeasterly side of Manton Avenue; thence in a generally northwesterly direction along the northeasterly side of Manton Avenue approximately 1,825 feet to the southeasterly intersection of Manton Avenue and Joslin Street; thence northeasterly along the southeasterly side of Joslin Street approximately 1,590 feet to the southeast intersection of Joslin Street and Atwells Avenue; thence

in a southeasterly direction along the southwesterly side of Atwells Avenue approximately 1,690 feet to the intersection of the westerly side of right-of-way of the New York, New Haven & Hartford Railroad and the southwesterly side of Atwells Avenue; thence southerly bounded westerly by the right-of-way of the New York, New Haven & Hartford Railroad approximately 3,120 feet to the intersection of said right-of-way and the northwesterly side of Broadway; thence southwesterly along the northwesterly side of Broadway approximately 385 feet to the point and place of beginning. (Ch. 30A, § 15, added by Ord. 1948, ch. 103, § 1)

Sec. 20-16. Redevelopment area D-6.

The following area in the city shall be designated as redevelopment area D-6:

Beginning at the southeasterly intersection of Douglas Avenue and Chad Brown Street; thence southeasterly along the northeasterly side of Douglas Avenue approximately 705 feet to the southwesterly intersection of Douglas Avenue and St. Patrick's Cemetery; thence northeasterly bounded northwesterly by St. Patrick's Cemetery approximately 655 feet to the northeasterly termination of Wiley Street; thence southeasterly along the northeasterly side of Wiley Street approximately 290 feet to the southeasterly side of Fillmore Street; thence northeasterly along the southeasterly side of Fillmore Street approximately 85 feet to the southwesterly intersection of Fillmore Street and Oregon Street; thence southeasterly along the southwesterly side of Oregon Street approximately 595 feet to the property of the New York, New Haven & Hartford Railroad; thence in a generally southeasterly direction bounded on the northeast by the property of said railroad approximately 4,450 feet to the southerly side of Smith Street; thence westerly along the southerly side of Smith Street approximately 1,075 feet to the southwesterly intersection of Smith Street and Francis Street; thence southerly along the westerly side of Francis Street approximately 470 feet to the northwesterly intersection of Brownell Street and Francis Street; thence southwesterly along the northwesterly side of Brownell Street approximately 250 feet to

the northwesterly intersection of Brownell Street and Park Street; thence southerly along the westerly side of Park Street approximately 240 feet to the northwesterly intersection of Woodland Street and Park Street; thence westerly along the northerly side of Woodland Street approximately 490 feet to the northeasterly intersection of Woodland Street and Holden Street; thence northeasterly along the southeasterly side of Holden Street approximately 490 feet to the northeasterly intersection of Holden Street and West Park Street; thence northwesterly along the northeasterly side of West Park Street approximately 880 feet to the northwesterly intersection of West Park Street and Calverley Street; thence southwesterly along the northwesterly side of Calverley Street approximately 860 feet to the northeasterly intersection of Calverley Street and Bath Street; thence northwesterly along the northeasterly side of Bath Street approximately 1,950 feet to the northeasterly side of Smith Street; thence northwesterly along the northeasterly side of Smith Street approximately 1,350 feet to the northeasterly intersection of Smith Street and Oakland Avenue; thence northeasterly along the southeasterly side of Oakland Avenue approximately 1,000 feet to the southeasterly intersection of Oakland Avenue and Chad Brown Street; thence in a generally easterly direction along the southerly side of Chad Brown Street approximately 1,080 feet to the point and place of beginning. (Ch. 30A, § 16, added by Ord. 1948, ch. 103, § 1)

Sec. 20-17. Redevelopment area D-7.

The following areas in the city shall be designated as redevelopment area D-7:

FIRST:

Beginning at the southeasterly intersection of North Main Street and Cypress Street; thence easterly along the southerly side of Cypress Street approximately 1,320 feet to the southwesterly intersection of Cypress Street and Camp Street; thence southwesterly along the northwesterly side of Camp Street approximately 1,340 feet to the southwesterly intersection of Camp Street and Doyle Avenue; thence easterly

along the southerly side of Doyle Avenue, approximately 1,110 feet to the southwesterly intersection of Doyle Avenue and Hope Street; thence southerly along the westerly side of Hope Street approximately 1,190 feet to the northwesterly intersection of Hope Street and Olney Street; thence southwesterly along the northwesterly side of Olney Street approximately 1,340 feet to a point opposite the westerly side of Prospect Street; thence southerly along the westerly side of Prospect Street approximately 220 feet to the northwesterly intersection of Prospect Street and Hidden Street; thence westerly along the northerly side of Hidden Street approximately 300 feet to the northerly intersection of Hidden Street and Hope Street; thence southerly along the westerly side of Congdon Street approximately 2,660 feet to the northwesterly intersection of Congdon Street and Angell Street; thence westerly along the northerly side of Angell Street approximately 290 feet to the southwesterly side of Benefit Street; thence northwesterly along the southwesterly side of Benefit Street approximately 70 feet to the northwesterly intersection of Benefit Street and Thomas Street; thence northwesterly along the northeasterly side of Thomas Street approximately 370 feet to the southwesterly side of North Main Street; thence northwesterly along the southwesterly side of North Main Street approximately 120 feet to the northwesterly intersection of North Main Street and Elizabeth Street; thence southwesterly along the northwesterly side of Elizabeth Street approximately 210 feet to the northeasterly intersection of Elizabeth Street and Canal Street; thence in a generally northerly direction along the easterly side of Canal Street approximately 1,110 feet to the northeasterly intersection of Canal Street and Smith Street; thence westerly along the northerly side of Smith Street approximately 410 feet to the easterly boundary line of the New York, New Haven & Hartford Railroad property; thence northwesterly along the northeasterly boundary of said railroad property approximately 6,300 feet to the southwesterly side of Branch Avenue; thence in a generally southeasterly direction along the southwesterly side of Branch Avenue approximately 2,060 feet to a point opposite the range of

the southerly side of Cypress Street; thence easterly across North Main Street approximately 120 feet to the point and place of beginning.

SECOND:

AREA A

Beginning at a point, said point being the intersection of the extension of the northeasterly side of Branch Avenue with the extension of the southerly side of Cypress Street, thence running westerly along said Cypress Street extension to the point at which it intersects with the southwesterly side of Branch Avenue, thence running northwesterly along the southwesterly side of Branch Avenue to the intersection of the southwesterly side of Branch Avenue with the easterly highway line of Route I-95, thence running easterly across Branch Avenue to the intersection of the extension of said easterly Route I-95 highway line with the northeasterly side of Branch Avenue, thence running southeasterly along the northeasterly side of Branch Avenue to the point of beginning.

AREA B

Beginning at a point, said point being the northeasterly intersection of Canal Street with Smith Street, thence running southerly along the easterly side of Canal Street to the southeasterly intersection of Canal Street with Smith Street, thence running westerly along the southerly side of Smith Street to the intersection of the southerly side of Smith Street with the southwesterly boundary line of the N. Y., N. H. & H. Railroad property, thence running northwesterly along the southwesterly boundary of the N. Y., N. H. & H. Railroad property to the intersection of the southwesterly boundary of the N. Y., N. H. & H. Railroad property with the northerly side of Smith Street, thence running easterly along the northerly side of Smith Street to the point of beginning.

AREA C

Beginning at a point, said point being the northeasterly intersection of Olney Street and Brown Street, thence running southerly along the easterly side of Brown Street to the

southeasterly intersection of Brown Street and Halsey Street, thence running westerly along the southerly side of Halsey Street to the southeasterly intersection of Halsey Street and Congdon Street, thence running southerly along the easterly side of Congdon Street to the northeasterly intersection of Congdon Street and Meeting Street, thence running easterly along the northerly side of Meeting Street to the intersection of the northerly side of Meeting Street with the extended easterly side of DeFoe Place, thence running southerly along said DeFoe Place extension and the easterly side of DeFoe Place to the southeasterly intersection of DeFoe Place with Angell Street, thence running westerly along the southerly side of Angell Street to the southeasterly intersection of Angell Street and Benefit Street, thence running southeasterly along the northeasterly side of Benefit Street to the southeasterly intersection of Benefit Street and Hopkins Street, thence running southwesterly along the southeasterly side of Hopkins Street, across South Main Street, to the northwesterly intersection of Hutchinson Street and South Main Street, thence running again southwesterly along the northwesterly side of Hutchinson Street to the northeasterly intersection of Hutchinson Street with South Water Street, thence running northwesterly along the northeasterly side of South Water Street to the point where South Water Street becomes Canal Street continuing northwesterly along the northeasterly side of Canal Street to the northeasterly intersection of Canal Street with Elizabeth Street, thence running northeasterly along the northwesterly side of Elizabeth Street to the northwesterly intersection of Elizabeth Street with North Main Street, thence running southeasterly along the southwesterly side of North Main Street to the intersection of the southwesterly side of North Main Street with the extended northerly side of Thomas Street, thence running easterly along the northerly side of Thomas Street to the northwesterly intersection of Thomas Street with Benefit Street, thence running southeasterly across Thomas Street and along the southwesterly side of Benefit Street to the intersection of the southwesterly side of Benefit Street with the extended northerly side of Angell Street, thence running easterly along

the northerly side of Angell Street to the northwesterly intersection of Angell Street with Congdon Street, thence running northwesterly along the westerly side of Congdon Street to the northwesterly intersection of Congdon Street with Hidden Street, thence running easterly along the northerly side of Hidden Street to the northwesterly intersection of Hidden Street and Prospect Street, thence running northerly along the westerly side of Prospect Street to the northwesterly intersection of Prospect Street and Olney Street, thence running easterly along the northerly side of Olney Street to the point of beginning. (Ch. 30A, § 17, added by Ord. 1948, ch. 103, § 1; Ord. 1957, ch. 1159, § 1; Ord. 1966, ch. 1798, §§ 1, 2)

Sec. 20-18. Redevelopment area D-8.

The following areas in the city shall be designated as redevelopment area D-8:

FIRST:

Beginning at the northeasterly intersection of Benefit Street and John Street; thence in a generally northeasterly direction along the northwesterly side of John Street approximately 740 feet to the northeasterly intersection of John Street and Thayer Street; thence northerly along the easterly side of Thayer Street approximately 460 feet to the northeasterly intersection of Thayer Street and Power Street; thence easterly along the northerly side of Power Street approximately 1,580 feet to the northeasterly intersection of Power Street and Governor Street; thence northeasterly along the southeasterly side of Governor Street approximately 670 feet to the southeasterly intersection of Governor Street and East George Street; thence easterly along the southerly side of East George Street approximately 940 feet to the southeasterly intersection of East George Street and Gano Street; thence southerly along the easterly side of Gano Street approximately 140 feet to the intersection of Gano Street and the New York, New Haven & Hartford Railroad right-of-way; thence in a generally southeasterly direction approximately 1,200 feet along said railroad right-

of-way to the harbor line; thence in a generally southwesterly direction along the harbor line approximately 2,310 feet to the northerly side of Washington Bridge; thence in a generally westerly direction along the northerly side of Washington Bridge, Tockwotton Street, George M. Cohan Memorial Boulevard, Bridge Street and Point Street approximately 3,970 feet to the northeasterly intersection of the harbor line and Point Street; thence northwesterly along the harbor line approximately 2,440 feet to the southeasterly intersection of the harbor line and Crawford Street Bridge; thence northeasterly along the southeasterly side of Crawford Street approximately 55 feet to the southeasterly intersection of Crawford Street and South Water Street; thence northwesterly along the northeasterly side of South Water Street approximately 260 feet to the northeasterly intersection of South Water Street and Hutchinson Street; thence northeasterly along the northwesterly side of Hutchinson Street, approximately 125 feet to the northwesterly intersection of Hutchinson Street and South Main Street; thence in a northeasterly direction crossing South Main Street approximately 60 feet to the southeasterly intersection of South Main Street and Hopkins Street; thence northeasterly along the southeasterly side of Hopkins Street approximately 290 feet to the northeasterly side of Benefit Street; thence southeasterly along the northeasterly side of Benefit Street approximately 1,830 feet to the point and place of beginning.

SECOND:

AREA D

Beginning at a point, said point being the northeasterly intersection of Williams Street with Thayer Street, thence running southerly along the easterly side of Thayer Street to the northeasterly intersection of Thayer Street with John Street, thence running westerly across Thayer Street to the northwesterly intersection of John Street with Thayer Street, thence running northerly along the westerly side of Thayer Street to the northwesterly intersection of Thayer Street with Williams Street, thence running easterly across Thayer Street to the point of beginning.

AREA E

Beginning at a point, said point being the northeasterly intersection of Preston Street with Governor Street, thence running southwesterly along the southeasterly side of Governor Street to the northeasterly intersection of Governor Street with Power Street, thence running westerly across Governor Street to the northwesterly intersection of Power Street with Governor Street, thence running northeasterly along the northwesterly side of Governor Street to the southwesterly intersection of Governor Street with Young Orchard Street, thence running easterly across Governor Street to the point of beginning.

AREA F

Beginning at a point, said point being the northeasterly intersection of Gano Street with East George Street, thence running southerly across East George Street to the southeasterly intersection of Gano Street and East George Street, thence running westerly along the southerly side of East George Street to the southwesterly intersection of Ives Street and East George Street, thence running northerly across East George Street to the northwesterly intersection of Ives Street with East George Street, thence running easterly along the northerly side of East George Street to the point of beginning.

AREA G

Beginning at a point, said point being the northeasterly intersection of East Street and George M. Cohan Boulevard, thence running southeasterly to the center line of George M. Cohan Boulevard, thence running southwesterly along the center line of George M. Cohan Boulevard to the intersection of said center line with the southwesterly side of Brook Street, thence running northwesterly across George M. Cohan Boulevard to the northwesterly intersection of George M. Cohan Boulevard with Brook Street, thence running northeasterly along the northerly side of George M. Cohan Boulevard to the point of beginning.

AREA H

Beginning at a point, said point being the intersection of the northerly side of George M. Cohan Boulevard with the

center line of Traverse Street, thence running southeasterly along the center line of Traverse Street to the intersection of said center line with the extended center line of the Fox Point Hurricane Barrier, thence running southwesterly along the center line of the Fox Point Hurricane Barrier to the intersection of said center line and the easterly harbor line, thence running northwesterly along the easterly harbor line to the intersection of the easterly harbor line with the northwesterly side of Point Street, thence running northeasterly along the northwesterly sides of Point Street and Bridge Street to the northeasterly intersection of Bridge Street with George M. Cohan Boulevard, thence running generally southeasterly along the northerly side of George M. Cohan Boulevard to the point of beginning. (Ch. 30A, § 18, added by Ord. 1948, ch. 103, § 1; Ord. 1966, ch. 1798, §§ 1, 3)

Sec. 20-19. Redevelopment area D-9.

The following area in downtown Providence shall be designated as redevelopment area D-9:

Beginning at the southeasterly intersection of Smith Street and Canal Street; thence southerly along the easterly side of Canal Street for approximately 2,120 feet to the point where Canal Street becomes South Water Street and thence continuing southerly on South Water Street on the easterly side for approximately 2,650 feet to the southeasterly intersection of South Water Street and the Providence River Bridge which is part of Interstate Freeway 195; thence westerly on the southerly side of said bridge and said Interstate Freeway 195 for approximately 2,420 feet to the southeasterly intersection of said Interstate Freeway 195 and Chestnut Street; thence in a generally northwesterly direction along the northerly side of Chestnut Street for approximately 900 feet to the southeasterly intersection of Chestnut Street and Weybosset Street; thence in a generally westerly direction along the southerly side of Weybosset Street for approximately 640 feet to the southwesterly intersection of Weybosset Street and Jackson Street; thence northwesterly along the southwesterly side of Jackson Street for approximately 1,220

feet to the northwesterly intersection of Jackson Street and Broadway; thence in a generally easterly direction along the northerly side of Broadway for approximately 600 feet to the southwesterly intersection of Aborn Street and Broadway at La Salle Square; thence in a generally northwesterly direction along the southwesterly side of Aborn Street for approximately 1,220 feet to the southwesterly intersection of Aborn Street and West Exchange Street; thence westerly along the southerly side of West Exchange Street for approximately 1,780 feet to the southwesterly intersection of West Exchange Street and Dean Street; thence generally northerly along the westerly side of Dean Street for approximately 200 feet to the northwesterly intersection of Dean Street and De Pasquale Avenue; thence northerly along De Pasquale Avenue across the property of the New York, New Haven & Hartford Railroad for approximately 230 feet to the northwesterly intersection of De Pasquale Avenue and Harris Avenue; thence easterly along the northerly side of Harris Avenue for approximately 2,410 feet and across the Woonasquatucket River in a straight line to a point on the northerly side of Promenade Street; thence in an easterly direction for approximately 150 feet along the northerly side of Promenade Street to the northwesterly intersection of Promenade Street and Park Street; thence northerly along the western side of Park Street for approximately 870 feet to the northwesterly intersection of Park Street and Brownell Street; thence easterly along the northerly side of Brownell Street for approximately 260 feet to the northwesterly intersection of Brownell Street and Francis Street; thence northerly along the westerly side of Francis Street for approximately 480 feet to the southwesterly intersection of Francis Street and Smith Street; thence easterly along the southerly side of Smith Street, for approximately 1,400 feet across the railroad property to the southeasterly intersection of Smith Street and Canal Street, the point and place of beginning. (Ch. 30A, § 19, added by Ord. 1960, ch. 1387, § 1)

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Chapter 21

REVENUE AND FINANCE*

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Sec. 21-4. Authority to compromise interest on overdue taxes, assessments.
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*Charter references—Powers of city, § 2.1 et seq.: restrictions upon authority to borrow funds, § 2.13; finances, § 6.1 et seq.

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State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; audit of accounts and installation of accounting systems, ch. 45-10, Gen. Laws 1956; establishment, use of reserve funds, ch. 45-11, Gen. Laws 1956; indebtedness of towns and cities, ch. 45-12, Gen. Laws 1956; housing authority bonds, obligations, ch. 45-27, Gen. Laws 1956; redevelopment financing, ch. 45-33, Gen. Laws 1956; duty to furnish information to chief of division of state taxation, §§ 44-1-5, 44-1-6, Gen. Laws 1956; duty of assessor to deliver copies of tax assessment to board of canvassers and registration, Gen. Laws, ch. 312, § 19, as amended by P. L. 1940, ch. 819, § 2, which however, have been impliedly repealed by Art. 29 of the State Constitution.

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Article I. In General

Sec. 21-1. Fiscal year.

The fiscal year of the city shall commence on the first day of October and end on the thirtieth day of September following, including both days. (Ord. 1914, ch. 20, § 1; Rev. Ords. 1946, ch. 1, § 8)

Charter references—Fiscal, budget and accounting year, § 6.17; duties, authority, etc., of finance director as to budget, § 6.15 et seq.

Sec. 21-2. Deduction of abated taxes.

Whenever any tax or portion of a tax assessed against any person, which has not been paid into the city treasury shall be abated by the city council, the city collector shall deduct the amount so abated from the tax of the person assessed, and credit himself with the amount so abated, for which he was charged. Such abatement shall also be entered on the records of the city treasurer. (Ord. 1914, ch. 20, § 53; Rev. Ords. 1946, ch. 2, § 83)

Sec. 21-3. Payment of remitted taxes.

Whenever any tax or portion of a tax assessed against any person, which has been paid into the city treasury, shall be ordered remitted by the city council, the amount so remitted shall be paid to the person entitled to receive it in the same manner as other bills or claims against the city are paid. (Ord. 1914, ch. 20, § 53; Rev. Ords. 1946, ch. 2, § 82)

Sec. 21-4. Authority to compromise interest on overdue taxes, assessments.

The city collector, subject to the approval of the finance director, is hereby authorized and empowered in his discretion to compromise interest which may be due on overdue and unpaid taxes or other assessments whenever such compromise appears to be in the best interests of the city. The authority hereby vested in the city collector shall apply to interest on taxes already assessed or to be assessed from time to time. Such action by the city collector shall not be deemed to be inconsistent with the provisions of the annual resolution ordering the assessment and collection of taxes in the city, and providing penalties in accordance with General Laws, chapter 36, section 1. (Ord. 1945, ch. 1386, § 1; Rev. Ords. 1946, ch. 2, § 84)

Sec. 21-5. Acceptance of money derived from real property purchased at tax sale.

The city treasurer is hereby authorized to accept for and in behalf of the city all money payable to the city for and on account of real estate purchased by the city at any tax sale authorized by General Laws 1938, ch. 32, §§ 41 to 48, as amended by P. L. 1939, c. 695 and by P. L. 1946, and redeemable under the provisions of General Laws 1938, ch. 32, § 17, as amended by P. L. 1939, c. 695 and P. L. 1946. (Ord. 1936, ch. 931, § 1; Rev. Ords. 1946, ch. 2, § 80)

Cross reference—Execution of quitclaim deed when property sold for taxes redeemed, § 2-73.

Sec. 21-6. Authority to employ collection attorneys.

The city collector, with the approval of the finance director and the city solicitor, is hereby authorized and directed to employ attorneys-at-law to aid in the collection of delinquent accounts receivable due and payable to the city. The terms and conditions of employment, including compensation, shall be determined by the finance director. The city council shall appropriate such sum of money as may be deemed necessary to pay for such services and for all other expenses to be reasonably incurred in connection therewith. Payments shall

be made upon vouchers duly approved by the city collector and the finance director. (Ch. 2, § 84.1, added by Ord. 1959, ch. 1244, § 1; Ord. 1966, ch. 1780, § 1, 8-16-66)

Sec. 21-7. Exchange of coupon bonds for registered bonds.

Whenever any holder of any of the coupon bonds of the city shall surrender such bonds to the city treasurer with the unpaid coupons affixed, accompanied by a request for registered bonds in like value, the city treasurer is empowered to make such exchange and he shall make such entry in a book kept for that purpose that will identify the complete transaction of exchange. When such an exchange is requested the city treasurer shall cancel the surrendered bonds, together with the affixed coupons. The coupons shall be detached from the bonds and delivered to the committee on finance, who shall cause the same to be burned, and a certificate that such coupons have been burned shall be kept in the records of the committee on finance. (Rev. Ords. 1946, ch. 2, § 77)

Cross reference—Duties as to register of notes, bonds, other obligations, § 2-72.

Sec. 21-8. Exchange of registered bonds for coupon bonds.

(a) The city treasurer may from time to time and upon request of the holders of registered bonds, issue coupon bonds payable to bearer, or cause them to be issued, in exchange for a like principal amount of such registered bonds of the city, provided such registered bonds constitute the entire amount remaining outstanding of an original issue of bonds under any one ordinance. Such coupon bonds shall be of like tenor as the bonds surrendered in exchange therefor, except that they shall be payable at the fiscal agency of the City of Providence in New York City, and except that the principal thereof and interest thereon shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts, and except that such coupon bonds shall bear date corresponding to such of the interest payment dates as the city treasurer may determine.

(b) Whenever registered bonds are issued in exchange for coupon bonds, the committee on finance and the city treasurer shall report to the city council their proceedings under this section. (Ord. 1944, ch. 1248, § 1; Rev. Ords. 1946, ch. 2, §§ 77, 79)

Cross reference—Duty of treasurer as to register of notes, bonds and other obligations, § 2-72.

Sec. 21-9. Disposition of fees collected by city officers.

All fees and moneys received by the clerk of the probate court and his assistants, the superintendent of health and his assistants, the city registrar and his assistants, and any other city officer for any certificates, or making any copies of any documents, instruments, papers or records in their custody or on file in their several departments, or other act or thing incident to the performance of their duties, or in any manner related to or dependent upon their office or employment, shall be turned into the city treasury. (Ord. 1914, ch. 55, § 5; Rev. Ords. 1946, ch. 2, § 78)

Cross references—Disposition of fines, costs, fees in police court, § 8-2; certification, payment of fees to witnesses in police court, § 8-3.

Sec. 21-10. Report of fees, financial reports to be furnished controller.

All officers and departments required by law to pay fees or money received by them to the city collector shall make such financial reports to the city controller as he may from time to time request. (Ord. 1918, ch. 204, § 1; Rev. Ords. 1946, ch. 2, § 177)

Cross reference—Provisions pertaining to city controller, § 2-84 et seq.

Sec. 21-11. Certificates of bills and licenses to be filed with controller.

All officers and departments required to deposit bills with the city collector for collection or to issue licenses upon the payment of fees to the city collector, shall file with the city controller a certificate of the total amount of all bills so deposited and of licenses so issued, with a statement of the accounts to which the same should be credited when paid. (Ord. 1914, ch. 20, § 22; Rev. Ords. 1946, ch. 2, § 179)

Cross reference—City controller, § 2-84 et seq.

Sec. 21-12. Cancellation of uncollectible bills.

It shall be the duty of the officer having charge of any department in which any indebtedness to the city shall accrue, to make out and leave at the office of the city collector accounts thereof within one month, and to send to the person so indebted copies thereof, with notices that said accounts are due and payable as aforesaid. If any such indebtedness has not been collected within a period of three (3) years, the city collector shall refer the same to the city solicitor for an opinion as to whether or not said indebtedness is uncollectible, and if the city solicitor shall certify that in his opinion any such indebtedness is uncollectible, the collector may withdraw and cancel said accounts. (Ord. 1937, ch. 945, § 1; Rev. Ords. 1946, ch. 2, § 84½)

Cross reference—Statement by controller of accounts deposited with collector for collection, § 2-86.

Sec. 21-13. Filing fee for petition to abandon public highway.

No petition for an abandonment of a public highway shall be accepted by the clerk of the city council, unless accompanied by a filing fee of twenty-five dollars ($25.00) which shall be deposited with the city clerk, and no part of which shall be returnable to the petitioner. (Ord. 1965, ch. 1706, § 1)

Sec. 21-14. Filing fee for petition to amend zoning ordinance, map.

No petition for an amendment to the zoning ordinance, including the zoning map, shall be accepted by the clerk of the city council, unless accompanied by a filing fee of twenty-five dollars ($25.00), which shall be deposited with the city clerk, and no part of which shall be returnable to the petitioner. (Ord. 1965, ch. 1706, § 1)

Editor's note—The zoning ordinance of the City of Providence, being Ch. 544 of the Ordinances of 1951, as amended, was included in the Supplement to the Revised Ordinances of 1946, as ch. 36 therein. Said ordinance has not been included in this publication, but a copy thereof is on file in the office of the city clerk. Sec. 102 thereof, insofar as it provided for a fee of $10.00 for petitions to amend the zoning map, was repealed by § 2 of the ordinance from which the foregoing section is derived.

Sec. 21-15. Board of tax assessment review to appoint executive secretary and other assistants.

(a) The board of tax assessment review shall appoint, without the necessity of any approval or confirmation by any other person or body, an executive secretary who shall serve at the pleasure of the board and who shall exercise and perform such powers and duties as may be prescribed by the board. Said secretary shall recive such compensation as may be fixed by the city council.

(b) Said board of tax assessment review may also appoint and discharge, and prescribe the powers and duties of such clerks, assistants, subordinates and other persons or officers serving under their supervision whose employment may be authorized by law, resolution or ordinance. (Ord. 1945, ch. 1372, §§ 1, 2; Rev. Ords. 1946, ch. 2, § 149)

Charter reference—Board of tax assessment review, § 6.11 et seq.

Secs. 21-16—21-25. Reserved.

Article II. Contracts, Purchases and Sales*

Sec. 21-26. Necessity for appropriation for contract, purchase.

The cost, price or consideration of each contract or purchase provided for in this article shall be charged to and paid from any special appropriation therefor, or, if none, the appropriate appropriation for the department for which the work

*Charter references—Restrictions upon authority to borrow funds, § 2.13; prohibited interests in contracts with city, § 2.14; contracts in violation of § 2.14 to be voidable, § 2.15; ratification or avoidance of voidable contract, § 2.16; action to enforce § 2.16, § 2.17; financing etc., off-street parking facilities, § 2.27 et seq.; assessment of damages, costs in proportion to benefits for construction of pedestrian mall, § 2.51; board of contract and supply, §§ 5.48, 5.49; finances, § 6.1 et seq.

Cross references—Personnel, supplies, materials for public celebrations in city, § 2-11; expenditures by committees of council, § 2-28; inspection of payroll lists, § 2-286 et seq.; purchases for North Burial Ground, § 6-22; general authority of purchasing agent with reference to municipal garage, § 15-86; action upon charges for labor, material, etc., in connection with municipal garage, § 15-90; board of park commissioners not to incur debt in excess of appropriations, § 18-37; report of street work to be accompanied by cost estimate, § 23-11.

State law reference—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; audit of accounts and installation of accounting systems, ch. 45-10, Gen. Laws 1956.

is to be done or the materials or supplies furnished. The board of contract and supply shall not make any such contract or purchase, unless there is a sufficient appropriation for the purpose available to defray the cost thereof. (Ord. 1914, ch. 6, § 6; Rev. Ords. 1946, ch. 2, § 34)

Sec. 21-27. Authority as to contracts in excess of five hundred dollars.

Except as otherwise required by statute law, all contracts for the performance of any work, or the furnishing of any materials, or both, or for the purchase of any personal property of any kind, and every purchase of any goods, merchandise or personal property of any description, to or for the city, or for the use of any officer, board, body, commission or department of the city, the cost, price or consideration of which exceeds the sum of five hundred dollars ($500.00), shall be made by the board of contract and supply in behalf of the city, and by no other person, except such particular contracts or purchases as may be authorized to be otherwise made by special vote of the city council providing in express terms therein that the provisions of this article shall not apply thereto. (Ord. 1914, ch. 6, § 2; Rev. Ords. 1946, ch. 2; § 18)

Charter reference—Purchasing agent acting as agent for board of contract and supply, § 6.4(a).

Sec. 21-28. Duty to let contract by advertisement and bid.

It shall be the duty of the board of contract and supply, relative to all purchases or contracts which it is authorized to make, to advertise for bids or proposals in the newspapers employed to do the city advertising, and in such other newspapers published outside the city as said board in its discretion may determine, and to let to the lowest competent and responsible bidders who give adequate security satisfactory to said board for the performance of their contracts. All contracts for the performance of any work, or the furnishing of any materials, or both, or the sale of any goods, merchandise or personal property, to or for the city or for its use, shall be let in this manner, unless otherwise ordered by special vote of the city council, or unless said board shall, by a two-

thirds (⅔) vote of the whole number of the members thereof, in any case determine that it is impracticable to procure such work or materials, or both, by contract, or to effect such purchase as a result of competition, or that the best interests of the city require that the same be procured or effected in some other manner. (Ord. 1914, ch. 6, § 2; Rev. Ords. 1946, ch. 2, § 19)

Sec. 21-29. Authority to make repairs in emergency.

In case of any public emergency, due to accident, injury or other cause requiring immediate action, the proper officers of the departments in charge may with the approval of the mayor cause any necessary repairs to be made to any heating, plumbing, lighting, fire or waterworks apparatus or public drains or sewers, unrestricted by any provision of this article. (Ord. 1914, ch. 6, § 2; Rev. Ords. 1946, ch. 2, § 20)

Sec. 21-30. Duty to furnish plans and specifications for work, materials.

Specifications for the performance of any work or the furnishing of any materials or supplies under the provisions of this article shall be prepared and set forth by the board of contract and supply with sufficient detail to inform all persons proposing to bid therefor of the nature of the work to be done and of the materials and supplies to be furnished, and written or printed copies thereof shall be delivered to all applicants therefor. When plans are requisite, the same shall be prepared and exhibited to prospective bidders. In case of any work on improving, erecting, installing, altering or repairing any land or building or the fixtures or appurtenances thereof, at a cost exceeding the sum of five hundred dollars ($500.00), the committee on city property shall cause requisite plans and specifications thereof to be prepared, and shall deliver the same to the board before said board shall advertise for bids therefor. All other requisite plans and specifications for work, materials or supplies shall be prepared by the department for which the same is to be done or furnished,

and shall be delivered to the board before it advertises for bids therefor. (Ord. 1914, ch. 6, § 3; Rev. Ords. 1946, ch. 2, § 21)

Sec. 21-31. Sealed bids to be submitted.

All bids for work on materials, submitted pursuant to the provisions of this article, shall be submitted to the board of contract and supply in sealed envelopes or wrappers, which shall have endorsed thereon the title of the work, materials or supplies to which such bids relate. (Ord. 1914, ch. 6, § 4; Rev. Ords. 1946, ch. 2, § 22)

Sec. 21-32. Check or bond accompanying bid may be required; presentation of bids and bonds.

The board of contract and supply, by giving notice thereof in an advertisement for bids pursuant to this article, may require every bidder to furnish with his bid a certified check or a satisfactory bond of a specified amount to secure the execution and delivery by him of his contract in writing in due form and any relevant bond required, if his bid is accepted by said board. All such bids with any such checks or bonds required shall be presented to said board at the place and time of their meeting as advertised for the receipt of the same, or may be theretofore filed with such person at such place as authorized by said board in its advertisement. (Ord. 1914, ch. 6, § 4; Rev. Ords. 1946, ch. 2, § 23)

Sec. 21-33. Opening bids.

At the time and place specified in its advertisement for holding the meeting mentioned in section 21-32 it shall be the duty of the board of contract and supply to be present, and such meeting for the reception and opening of bids shall be promptly held at the advertised time, whether or not a majority of said board is present, and shall be open to the public. The time for presenting bids shall end at the expiration of fifteen (15) minutes after such stated time of such meeting, and thereupon the bids shall be opened by some

member of said board or its clerk in the presence of the bidders and other persons there present, and publicly read. (Ord. 1914, ch. 6, § 4; Rev. Ords. 1946, ch. 2, § 24)

Sec. 21-34. Authority to reject bids.

The board of contract and supply may reject any or all bids or proposals for work or materials, submitted as required in this article. (Ord. 1914, ch. 6, § 4; Rev. Ords. 1946, ch. 2, § 25)

Sec. 21-35. Duty to preserve abstract of bids.

An abstract of all bids with the prices, submitted pursuant to this article, shall be made and preserved by the board of contract and supply in a book to be kept for that purpose. (Ord. 1914, ch. 6, § 4; Rev. Ords. 1946, ch. 2, § 26)

Sec. 21-36. Form of contracts and purchases entered into.

All contracts and purchases made by the board of contract and supply shall be made or evidenced in writing, and in such form as shall be approved by the city solicitor. (Ord. 1914, ch. 6, § 4; Rev. Ords. 1946, ch. 2, § 27)

Cross reference—City solicitor, § 2-98 et seq.

Sec. 21-37. Authority to require performance bond to accompany contract.

When required by the board of contract and supply, each contract for materials or services regulated by this article shall be accompanied by a bond of such amount and with such surety or security as is satisfactory to said board, to secure the performance of the contract and to contain such other provisions as shall be satisfactory to said board and the city solicitor. (Ord. 1914, ch. 6, § 4; Rev. Ords. 1946, ch. 2, § 28)

Sec. 21-38. Crediting payment for labor, materials to appropriation from which money expended.

Whenever any labor is done or material furnished which is charged to the account of capital fund appropriations and for

which any persons or departments are required to pay, the city controller is hereby authorized and directed to credit all receipts on account of the same to the appropriation from which the money was expended. (Ord. 1937, ch. 938, § 1; Rev. Ords. 1946, ch. 2, § 87)

Sec. 21-39. Leases to be furnished controller.

All officers and committees authorized to lease any property, except the property of the Dexter Donation, shall immediately upon leasing the same furnish the city controller with the lease, or a statement of the property leased, with the rates and times of payment and the rent of the same, and all such leases shall be retained in the controller's office. (Ord. 1914, ch. 20, § 15; Rev. Ords. 1946, ch. 2, § 178)

Sec. 21-40. City assessor ex officio member of board for purchase of real estate.

For the purposes of sections 21-41 to 21-43 the city assessor shall be ex officio a member of the board of contract and supply. (Ord. 1921, ch. 313, § 1; Rev. Ords. 1946, ch. 2, § 29)

Charter references—City assessor, §§ 6.9, 6.10; membership on board of contract and supply, § 5.48.

Sec. 21-41. Purchase of real estate—Duty of board of contract and supply.

It shall be the duty of the board of contract and supply to make all purchases of land or real estate for the city, which are authorized by the city council. (Ord. 1914, ch. 6, § 5; Rev. Ords. 1946, ch. 2, § 30)

Charter reference—Board of contract and supply, §§ 5.48, 5.49.

Sec. 21-42. Same—Duty to submit information, obtain approval.

In case the city council authorizes the purchase of land or real estate, and does not designate the particular land or real estate to be purchased, the board of contract and supply shall submit to the city council a general description of the land or real estate proposed to be purchased, the price at which

the same can be purchased and the name of the owner thereof, and the city council shall approve such purchase before any purchase of the same shall be made. (Ord. 1914, ch. 6, § 5; Rev. Ords. 1946, ch. 2, § 31)

Sec. 21-43. Form of agreement for purchase of land.

No agreement or obligatory writing relative to any purchase of land provided for in sections 21-41 and 21-42 shall be made or given by the board of contract and supply except in such form as shall be first approved by the city solicitor. Any such agreement or writing not bearing on its face the approval of the city solicitor shall not be binding upon the city. (Ord. 1914, ch. 6, § 5; Rev. Ords. 1946, ch. 2, § 32)

Cross reference—City solicitor, § 2-98 et seq.

Sec. 21-44. Agreements arising out of condemnation of city's land.

The board of contract and supply is hereby authorized to enter into agreements with the State of Rhode Island or the United States of America, the Providence Redevelopment Agency, the Providence Housing Authority or any other public body having authority to condemn property of the city with respect to the value of land owned by the city and taken by any of said agencies; and the mayor shall be authorized to execute such deeds, releases and other documents as may be required by the condemnor or arising out of such condemnation. (Ch. 2, § 31.1, added by Ord. 1955, ch. 935, § 1)

Sec. 21-45. Employment of experts for purchase, condemnation of real property.

The board of contract and supply shall be authorized from time to time to employ such experts as it shall deem necessary to assist said board in relation to the purchase of real estate or the settlement of damages growing out of the condemnation by the city of real estate, and to charge the fees and expenses of such experts to any appropriation available for the payment for such purchase or the payment for such damages, and in the event that no such appropriation exists,

to charge the same to the appropriation for contingencies; provided however, that said fees and expenses shall not exceed the sum of five thousand dollars ($5,000.00) in any one purchase or condemnation. (Ord. 1921, ch. 296, § 1; Rev. Ords. 1946, ch. 2, § 33)

Sec. 21-46. Vendors to submit claims to controller.

All claims for supplies, materials, equipment, and contractual services, delivered or rendered to any and all departments, boards, bureaus, commissions and other agencies of the city shall be submitted directly to the city controller by vendors in triplicate on standard invoice forms. (Ch. 2, § 17.1, added by Ord. 1946, ch. 1526, § 1)

Sec. 21-47. Form and manner of submission of claims by vendors.

Standard invoice forms shall be prepared by vendors on forms supplied by the purchasing agent at the time of issuance by the city of purchase orders and shall be forwarded directly to the city controller's department by the vendors in triplicate. The signature of the head of any department, board, bureau, commission or other agency of the city or that of his deputy on a receiving report or a schedule supported by several receiving reports shall be sufficient authorization for the payment by the city controller and the city treasurer of each voucher. (Ch. 2, § 17.2, added by Ord. 1946, ch. 1526, § 2)

Sec. 21-48. Contracts for storage of city's automobiles.

(a) The board of contract and supply shall annually in the month of January, in the name and behalf of the city, contract with a public garage in the city for the storage of all of the city's automobiles that are not provided with storage in the city's buildings. No officer of the city shall have any authority to contract in behalf of the city for any automobile storage of any kind.

(b) The board in its discretion may authorize any officer of the city to store the city's automobiles used by his depart-

ment in any garage other than that under contract with the city for the storage of the city's automobiles. (Ord. 1915, ch. 94, § 1; Rev. Ords. 1946, ch. 2, § 35)

Sec. 21-49. Sale of unclaimed property by purchasing agent.

The purchasing agent is hereby authorized and empowered to sell at public auction annually in September any lost or stolen property, or property recovered or found by, or which has otherwise come into the possession, charge or control of, the police force of this city, which has not been claimed by the owners thereof within two (2) years prior to the first day of September in any year. The purchasing agent shall first give notice of said proposed sale by advertisement thereof, at least once each week for two (2) successive weeks prior to the time of the sale, in one of the public newspapers published in the city. The proceeds of the sale, after the payment of the expenses thereof, shall be paid into the treasury of the city. (Ord. 1914, ch. 20, § 56; Rev. Ords. 1946, ch. 2, § 155)

Sec. 21-50. Article not applicable to appointment, compensation of officers.

This article shall not be construed to apply to the appointment or employment of any officers, agents or servants required in any department of the city, or to the fixing of their compensation. (Ord. 1914, ch. 6, § 9; Rev. Ords. 1946, ch. 2, § 36)

Sec. 21-51. Article not applicable to certain work of city employees.

This article shall not apply to any work in the construction, grading, paving, curbing, maintenance, repair, cleaning or care of streets, roads, sidewalks, paths, bridges, drains or sewers, or in the repair of buildings belonging to the city, or in the ordinary extension of street water mains or pipes, if done by employees of the city and not by contract. (Ord. 1914, ch. 6, § 9; Rev. Ords. 1946, ch. 2, § 37)

Secs. 21-52—21-62. Reserved.

Article III. Funds*

DIVISION 1. IN GENERAL

Sec. 21-63. Investment of general fund cash in short-term securities.

The city treasurer, with the advice and approval of the finance director, is hereby authorized to invest, from time to time, in either United States Government "securities" or bank "certificates of deposits" such sums of money in the general fund of the city as may be deemed in excess of the amount required for the payments of current obligations of the city; provided however, that any such investment in securities or certificates from said fund, with a maturity in excess of six (6) months, shall be made only with the approval of the city council finance committee. (Ord. 1964, ch. 1624, § 1)

Sec. 21-64. Fire insurance fund.

(a) *Established.* A special fund to be known as "Fire Insurance Fund" is hereby established in the following amount and for the following purposes.

(b) *Amount.* Said fund shall be created by an appropriation of five thousand dollars ($5,000.00) annually, to be included in the resolution making appropriations for the support of the city government, until said fund shall amount to fifty thousand dollars ($50,000.00), and thereafter when said fund becomes reduced to an amount less than fifty thousand dollars ($50,000.00), provision shall be made for restoring the same by appropriating annually five thousand dollars ($5,000.00), or so much thereof as may be necessary, until

*Charter references—Establishment, use of special funds for assessments arising out of construction of pedestrian mall, § 2.53; determination that assessment not be levied, § 2.54.

Cross reference—City clerk to furnish copies of proposals and ordinances relating to finance, § 2-50.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; audit of accounts and installation of accounting systems, ch. 45-10, Gen. Laws 1956; establishment, use of reserve funds, ch. 45-11, Gen. Laws 1956; indebtedness of towns and cities, ch. 45-12, Gen. Laws 1956; housing authority bonds, obligations, ch. 45-27, Gen. Laws 1956; redevelopment financing, ch. 45-33, Gen. Laws 1956.

the amount to the credit of said fund shall be fifty thousand dollars ($50,000.00); and any earnings of said fund shall be added thereto. Said fund and all appropriations therefor shall be paid to and held by the board of commissioners of sinking funds as a separate fund of the city, with full power to control, manage, invest and reinvest the same, and said board shall pay to the city treasurer such portions of said fund as the city council shall from time to time direct.

(c) *Use.* Said fund shall be expended as ordered by the city council for rebuilding, repairing or replacing public buildings, fixtures, machinery or furnishings therein belonging to the city, other than buildings or property included in the waterworks, which shall be destroyed or damaged by fire. (Ord. 1914, ch. 20, § 59; Rev. Ords. 1946, ch. 2, § 38)

Sec. 21-65. Waterworks depreciation and extension fund.

(a) *Established.* A special fund to be known as "Water Works Depreciation and Extension Fund" is hereby established in the following amount and for the following purposes.

(b) *Amount.* The city controller shall, on the last business day of every fiscal year transfer to the board of commissioners of sinking funds for credit to the waterworks depreciation and extension fund such sum as shall be determined by the committee on finance and shall charge the same to "water rents." The board of commissioners of sinking funds shall hold said fund and all appropriations thereto and earnings thereof as a separate fund of the city, with full power to control, manage, invest and reinvest the same, and said board shall pay to the city treasurer such portions of said fund as the city council shall from time to time direct.

(c) *Use.* Said fund shall be used and expended under the direction of the water supply board only as ordered by the city council, for replacing buildings or machinery included in the waterworks which may become unservicable, for any expense of extending the waterworks system, for the purpose of increasing or improving the source of supply, and for re-

placing such other unserviceable property included in the waterworks as said city council may direct. (Ord. 1914, ch. 20, § 60; Ord. 1937, ch. 946, § 1; Rev. Ords. 1946, ch. 2, § 39)

Sec. 21-66. Automobile accident fund.

(a) *Amount.* The special fund known as "Automobile Accident Insurance Fund" shall be maintained at a minimum sum of twenty-five thousand dollars ($25,000.00). Whenever said fund becomes reduced to an amount less than twenty-five thousand dollars ($25,000.00), provision shall be made for restoring the same by appropriating annually four thousand dollars ($4,000.00), or so much thereof as may be necessary, until the amount to the credit of said fund shall be twenty-five thousand dollars ($25,000.00); and any earnings of said fund shall be added thereto. Said fund and all appropriations therefor shall be held by the city treasurer as a separate fund of that city, and may be invested and reinvested by the city treasurer with the approval of the board of commissioners of sinking funds.

(b) *Use.* Said fund shall be expended in the regular course of city business to satisfy claims and executions against the city on account of automobile accidents. (Ord. 1928, ch. 622, § 1; Rev. Ords. 1946, ch. 2, § 42)

Sec. 21-67. School fund.

(a) *Designation, use.* The special fund known as "School Fund" shall be maintained as a separate permanent fund of the city to be held by the city treasurer. The city controller shall draw orders on this fund upon presentation by the school committee of vouchers authorized in accordance with any law, ordinance, rule or regulation relative thereto.

(b) *Source.* In each fiscal year, all payments made by the state or federal government to the city for the support of public schools, all poll taxes collected and the balance of all dog license fees, together with tuition fees earned by the school department, shall be paid over and credited to the school fund by the city treasurer, in accordance with the pro-

visions of law. In addition, all miscellaneous receipts of the school department available to that department for expenditure, in accordance with the provisions of law, shall be credited to the school fund; and, all money appropriated by the city council from the general tax levy for the support of public schools, in accordance with the provisions of Chapter 680 of the Public Laws of 1925, shall be available for credit to the school fund.

(c) *Deposits.* The city controller from time to time shall draw an order upon the city treasurer, payable to the school fund in such amounts as are agreeable to the school committee and the city trasurer; provided, however, that no more than fifty per cent (50%) of the total amount appropriated from the general tax levy for the support of public schools shall be paid over to the school fund at any one time. The total amount appropriated by the city council for said support of public schools shall be paid over to the school fund before the last day of each fiscal year of the city. (Ord. 1944, ch. 1293, §§ 1—4; Rev. Ords. 1946, ch. 2, § 43)

Sec. 21-68. Housing authority fund.

A trust and special fund shall be maintained as a separate fund to be held by the city treasurer for receipts from the Providence Housing Authority representing income from the Valley View Veterans' Rental Housing Development in excess of current needs for the retirement of debt incurred in connection with the Valley View Veterans' Rental Housing Development; and the board of sinking fund commissioners shall have control and management of said fund and shall invest the same in accordance with the provisions of section 21-83 of this chapter. (Ch. 2, § 43.3, added by Ord. 1952, ch. 675, § 1)

Sec. 21-69. Henry B. Anthony Fund for memorial fountain, use regulated.

All income now or hereafter held by the city in the Henry B. Anthony Public Foundation Fund shall be applied to the costs of such materials and labor as shall be deemed neces-

sary by the board of park commissioners of the city for the repairing, maintenance and improvement of the Henry B. Anthony Memorial Fountain. The expenditures from said fund shall be made under contracts which shall first be authorized and approved by the board of contract and supply. (Ord. 1966, ch. 1782, § 1)

Charter reference—Board of contract and supply, §§ 5.48, 5.49.

Sec. 21-70. Refund of collections account.

(a) *Procedure prescribed.* If any money, except money for taxes or other assessments, should be collected through an error, or if any money, except money for taxes or other assessments, though properly collected, ought to be refunded under the law to the person paying the same, the head of the department responsible for such collection shall certify the facts to the city controller, stating what part of said money so collected should be refunded, and thereupon the city controller, if he is satisfied that said refund ought to be made, shall certify a bill for such refund payable in the ordinary course of payments by the city according to the ordinances governing such payments; except that refunds at the Charles V. Chapin Hospital may be made from an imprest fund to be established for that purpose, upon the approval of the superintendent of the hospital or someone designated in writing by him and approved by the city controller.

(b) *Funds established.* All refunds, including reimbursements for Charles V. Chapin Hospital imprest fund, shall be charged to an account to be set up and designated as "Refund of Collections—Current Year" if said receipt was collected during the current year, and to an account to be set up and designated as "Refund of Collections—Prior Years" if such receipt was collected during a prior year. Any balance existing in the above accounts as determined at periods from time to time by the city controller, shall be closed into the account or accounts affected by the original receipt.

(c) *Scope of section.* If any money for taxes or other assessments should be collected through an error, or if any money for taxes or other assessments, though properly col-

lected, ought to be refunded under the law to the person paying the same, said refund shall be authorized by the city council and shall be handled in the manner provided for above. (Ord. 1944, ch. 1234, § 1; Rev. Ords. 1946, ch. 2, § 40; Ord. 1949, ch. 324, § 1)

Sec. 21-71. Fire uniform allotment account.

(a) *Established, purpose.* In order to provide a fund for the purpose of compensating members of the fire department for personal expenses involved in the purchase and replacement of fire uniforms, the city controller is hereby authorized and directed to establish in the accounts of the city a special account to be known as "Fire Uniform Allotment Account".

(b) *Payments to new firemen.* The city controller is hereby requested and authorized to pay out of fire uniform allotment account the sum of one hundred and thirty dollars ($130.00) to each newly appointed fireman upon his appointment as compensation to him for his uniform and equipment costs.

(c) *Payment after one year's service.* Subsequent to his first full year of service, each fireman shall be entitled to receive seventy-five dollars ($75.00) from said fund each year; provided however, that each fireman regularly required to wear dress uniform during his hours of duty shall be entitled to receive one hundred five dollars ($105.00) from said fund each year. Said sums shall be paid at such times and upon such terms and conditions as may be prescribed by rule or regulation adopted by the commissioner of public safety and approved by the city controller. (Ch. 2, § 43.1, added by Ord. 1951, ch. 457, §§ 1—3; Ord. 1960, ch. 1357, § 1; Ord. 1962, ch. 1506, § 1; Ord. 1964, ch. 1595, § 1)

Sec. 21-72. Police uniform allotment account.

(a) *Established, purpose.* In order to provide a fund for the purposes of compensating members of the police department for personal expenses involved in the purchase and

replacement of police uniforms, the city controller is hereby authorized and directed to establish in the accounts of the city a special account to be known as "Police Uniform Allotment Account".

(b) *Payments to new policemen.* The city controller is hereby requested and authorized to pay out of police uniform allotment account the sum of one hundred and eighty-five dollars ($185.00) to each newly appointed police officer upon his appointment as compensation to him for his uniform and equipment costs.

(c) *Payments after one year's service.* Subsequent to his first full year of service each uniformed police officer, detective and police driver shall be entitled to receive one hundred five dollars ($105.00) each year, except that mounted motorcycle men shall receive an additional fifty dollars ($50.00) each year. Said sums shall be paid at such times and upon such terms and conditions as may be prescribed by rule or regulation adopted by commissioner of public safety and approved by the city controller. (Ch. 2, § 43.2, added by Ord. 1951, ch. 456, §§ 1—3; Ord. 1960, ch. 1357, § 2; Ord. 1962, ch. 1506, § 2; Ord. 1964, ch. 1603, § 1; Ord. 1964, ch. 1614, § 1)

Sec. 21-73. Retention of cash by departments for making change.

Each department of the city government which receives money and therefore requires cash for the purpose of making change may retain in its offices such sum as the city controller may deem sufficient for said purpose, and the city controller is hereby authorized to allow for payment properly approved vouchers, approved by the committee on finance for said sums, to be charged to the appropriation for contingencies; provided however, that the sum authorized to be held by the city collector shall not exceed three thousand dollars ($3,000.00), and that the sum authorized to be held by any other department shall not exceed three hundred dollars ($300.00). The city controller is hereby authorized and may at any time request that the amount so charged, or any part

of it, shall be returned to the city treasurer, said refund to be credited to any appropriation for contingencies. The city controller shall in his annual report set forth a record of the amounts so held. (Ord. 1921, ch. 297, § 1; Rev. Ords. 1946, ch. 2, § 41)

Secs. 21-74—21-77. Reserved.

DIVISION 2. SINKING FUNDS*

Sec. 21-78. Chairman, secretary, treasurer designated.

The mayor shall be chairman of the board of commissioners of sinking funds hereinafter also referred to as "the board", the city controller shall be secretary and shall keep a full record of the meetings, and the city treasurer shall be treasurer and shall keep the accounts of said board. (Ord. 1914, ch. 61, § 2; Rev. Ords. 1946, ch. 2, § 44)

Sec. 21-79. Duty to keep record of meetings, proceedings.

The board of commissioners of sinking funds shall keep a full record of its meetings and proceedings, which record shall be kept in the vault in the office of the city controller. (Ord. 1945, ch. 1335, § 1; Rev. Ords. 1946, ch. 2, § 45)

Sec. 21-80. Quarterly report to council required.

In the months of January, April, July and October of each year, the board of commissioners of sinking funds shall render a report to the city council, showing the changes, if any, in the several sinking funds. (Ord. 1945, ch. 1335, § 1; Rev. Ords. 1946, ch. 2, § 46)

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*Charter references—Board of sinking fund commissioners, §§ 5.61, 5.62; finances, § 6.1 et seq.

Cross reference—Municipal garage revolving fund, § 15-89 et seq.

State law references—Duty of board, Gen. Laws, ch. 329, § 21 et seq.; special act defining powers and duties of sinking fund commissioners, P. L. 1944, ch. 1433; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; establishment, use of reserve funds, ch. 45-11, Gen. Laws 1956; housing authority bonds, obligations, ch. 45-27, Gen. Laws 1956; redevelopment financing, ch. 45-33, Gen. Laws 1956.

Sec. 21-81. Examination, report of investment securities in sinking funds.

After the close of each fiscal year, the city controller shall make an examination of the various investment securities in the sinking funds as of the 30th day of September, and certify the results of such examination to the board of commissioners of sinking funds. The said board shall thereupon annually in the month of January render to the mayor a detailed report in writing of the condition and manner of investments as of the close of the last preceding fiscal year. A copy of such report shall be furnished each member of the council and the city clerk. In such report the said board shall certify that the various investment securities in the sinking funds have been examined by the city controller. (Ord. 1945, ch. 1335, § 1; Rev. Ords. 1946, ch. 2, § 47)

Sec. 21-82. Custody of securities and books of account.

(a) The treasurer of the board of commissioners of sinking funds shall have custody of and shall deposit all securities of said board in a bank or trust company approved by the finance committee of the city council.

(b) The treasurer shall obtain at least quarterly from said bank or trust company a statement of all such securities so deposited, together with a list of all securities purchased or sold since the previous statement. (Ord. 1914, ch. 2, § 48; Rev. Ords. 1946, ch. 2, § 48; Ord. 1960, ch. 1327, § 1)

Sec. 21-83. Control and management, investment of sinking funds.

The board of commissioners of sinking funds shall have the control and management of all sinking funds established for the redemption of any bonds or notes heretofore issued by the city, or which may hereafter be issued by the city, or for the redemption of any bonds now held or which may hereafter be held by the city, and shall promptly invest all moneys received by them from any source in bonds or notes of the city; in bonds of the State of Rhode Island, or of the United States; in bonds of any of the New England states; in bonds

or notes of any city in the state; or in any other bonds that may be approved for investment by savings banks in the state. (Ord. 1914, ch. 61, § 6; Rev. Ords. 1946, ch. 2, § 49)

Sec. 21-84. Preference to bonds and notes of city.

The board of commissioners of sinking funds shall give preference to the bonds and notes of the city, and shall, immediately upon the purchase thereof, cancel all such bonds so purchased by them, together with the coupons attached thereto, provided the same may be lawfully cancelled, in such manner as effectually to prevent their reissue or negotiation; provided however, that such bonds bought as an investment shall be reissued in registered form. (Ord. 1914, ch. 61, § 6; Rev. Ords. 1946, ch. 2, § 50)

Sec. 21-85. Form of securities purchased; negotiability.

All securities which shall be purchased by the board of commissioners of sinking funds may be in either registered or bearer form. Such securities shall not be sold, exchanged or redeemed except by order of said board. (Ord. 1914, ch. 61, § 6; Rev. Ords. 1946, ch. 2, § 51; Ord. 1960, ch. 1327, § 1)

Sec. 21-86. Percentage of indebtedness to valuation limiting investment by board.

If at any time the indebtedness of any state or city except the City of Providence, less its water debt and sinking fund, shall exceed seven per centum (7%) of its valuation for purposes of taxation, the board of commissioners of sinking funds shall forthwith sell the bonds and notes of said cities, and until such indebtedness shall be reduced to seven per centum (7%) of the valuation for purposes of taxation, shall cease to invest its moneys in said bonds or notes. (Ord. 1914, ch. 61, § 6; Rev. Ords. 1946, ch. 2, § 52)

Sec. 21-87. Vote required on investment or change of investment.

No investment or change of investment in securities shall be made, except by vote of a majority of the board, and the

members of the board shall, by their signatures upon the record, express their approval or disapproval of such vote. (Ord. 1914, ch. 61, § 7; Rev. Ords. 1946, ch. 2, § 53)

Sec. 21-88. Deposits in sinking fund for redemption of water bonds.

All sums of money remaining in the hands of the board, after applying sinking funds thereto as by law required, and all excess of receipts from water rents over and above the necessary expenses of managing the waterworks, the interest on loans and bonds issued on account of the waterworks, and the amounts transferred to the waterworks depreciation and extension fund, shall be applied to a sinking fund for the redemption of water bonds as they become due. (Ord. 1914, ch. 61, § 8; Rev. Ords. 1946, ch. 2, § 54)

Charter reference—Application of revenue of water system, § 6.27.

Sec. 21-89. Custody of perpetual care fund of North Burial Ground.

The board of commissioners of sinking funds is authorized to hold in trust for the park commission the perpetual care funds of the North Burial Ground, and any additions thereto, according to the terms and provisions of P. L. 1889, c. 781. (Ord. 1914, ch. 61, § 9; Rev. Ords. 1946, ch. 2, § 55)

Sec. 21-90. Payments to board from sales of real estate for application to city debt.

All receipts in money on account of the sale of real estate or buildings of any description now belonging to or which may hereafter belong to the city, except the real estate now or hereafter included in the North Burial Ground or in Roger Williams Park, shall be paid to the commissioners of sinking funds. The sinking fund commissioners shall hold the same as a separate fund to be appropriated by them to payment or purchase of the city debt. (Ord. 1914, ch. 20, § 57; Rev. Ords. 1946, ch. 2, § 56)

Secs. 21-91—21-96. Reserved.

Article IV. Relocation Payments*

Sec. 21-97. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article and any rules and regulations adopted pursuant thereto:

Business concern. "Business concern" shall include a corporation, firm, partnership, individual or other entity engaged in some type of business or profession necessitating fixtures, equipment, stock in trade or other tangible property for the carrying on of the business or profession. Nonprofit organizations and institutions such as churches and hospitals shall be included.

Eligible individual or family. "Eligible individual or family" shall mean an individual or family owning furniture in housing accommodations.

Family. "Family" shall mean a group of two (2) or more persons living together and related by blood, marriage or adoption or two (2) or more single persons not related by blood, marriage or adoption, who are living together in a single housekeeping unit.

Individual. "Individual" shall mean a person who is not a member of a family as defined herein.

Occupied room. "Occupied room" shall include all furnished rooms except bathrooms, hallways and closets.

Relocation payments. "Relocation payments" shall mean payments to transients, eligible individuals or families and business concerns, for their reasonable and necessary moving expenses and for any actual direct losses of personal property to business concerns, except goodwill or profit, resulting from their displacement by any municipal project.

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*Charter reference—Finances, § 6.1 et seq.
Cross reference—Division of relocation, §§ 2-119, 2-120.
State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; establishment, use of reserve funds, ch. 45-11, Gen. Laws 1956.

Transient. "Transient" shall mean a displaced individual or family not owning furniture but occupying housing accommodations. (Ord. 1962, ch. 1473, § 1)

Sec. 21-98. Authority to make payments for moving expenses and property losses.

Upon presentation of satisfactory evidence of the fact of relocation, the family and business relocation service administrator is hereby authorized and directed to make relocation payments to transients or eligible individuals, families and business concerns for moving expenses and property losses resulting from their displacement by any municipal project undertaken by the city after January 1, 1961, or any project sponsored by the Federal Public Housing Administration which otherwise makes no provision for such relocation payments. (Ord. 1962, ch. 1473, § 2; Ord. 1964, ch. 1631, § 1)

Sec. 21-99. Determination of amounts to be paid.

The sum of money to be paid to each individual, transient or family as provided in section 21-98 shall be in accordance with a schedule of payments adopted by the administrator of family and business relocation, and shall be based upon the number of occupied rooms. The sum to be paid to business concerns shall be based upon the actual necessary moving expenses incurred, and upon any direct losses sustained to personal property, but not upon goods kept for sale, goodwill or profit. (Ord. 1962, ch. 1473, § 3)

Sec. 21-100. Limits on amounts of payments.

Payments made pursuant to the provisions of this article shall not exceed two hundred dollars ($200.00) in the case of each transient individual or family, and three thousand dollars ($3,000.00) in the case of each business concern. (Ord. 1962, ch. 1473, § 4)

Sec. 21-101. Rules, regulations applicable to payments.

All payments made pursuant to this article shall be made subject to rules and regulations prescribed by the administrator of family and business relocation, and such payments and the rules and regulations shall at all times be subject to the approval of the finance director of the city. (Ord. 1962, ch. 1473, § 4)

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Chapter 22

SCHOOLS*

Sec. 22-1. Control of appropriations; general power of school committee.
Sec. 22-2. Employment, compensation of superintendent and teachers.
Sec. 22-3. Records as to teachers; accounts of books, stationery, supplies, bills.
Sec. 22-4. Payment of salaries to teachers.
Sec. 22-5. Persons disqualified to act as teachers.
Sec. 22-6. Purchase of books, stationery and supplies.
Sec. 22-7. Prohibited financial interest of school committee personnel.
Sec. 22-8. Free instruction to be furnished pupils.
Sec. 22-9. Payments by nonresident pupils required.
Sec. 22-10. Vaccination of pupils required.
Sec. 22-11. Medals for composition, original address, essay and reading.
Sec. 22-12. Senator Anthony Fund—Character of prizes awarded from fund.
Sec. 22-13. Same—Power and duty of school committee.
Sec. 22-14. Agreement with School of Design.

Sec. 22-1. Control of appropriations; general power of school committee.

All money appropriated for the support of public schools shall be subject to the exclusive control of the school committee, who shall have full power to cause the same or any part thereof to be expended in any manner which they may deem most advisable for the benefit and welfare of the schools, except so much thereof as will be, from time to time, required for the payment of the salaries of the officers and teachers. Said committee shall have and exercise a general discretionary power in all matters and things relating to the public schools, which are not specially provided for by this chapter, or by

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*Charter references—School department, § 1.8; powers of city, § 2.1 et seq.

Cross references—Authority of board of park commissioners to use school property, § 18-30; authority of director of recreation to use school property, § 18-57; use of city buildings by school committee as annexes, § 23-44; fire drills in schools, § 9-11.

State law references—Education generally, Title 16, Gen. Laws 1956; powers of school committee in Providence, § 16-2-25, Gen. Laws 1956; powers of city generally as to schools, §§ 16-2-2—16-2-5, 16-9-1—16-9-3, Gen. Laws 1956; "Strayer Act", §§ 16-2-5, 17-6-4, 17-17-1, Gen. Laws 1956; special act permitting use of school premises for election purposes, P. L. 1918, ch. 1681, as amended by P. L. 1931, ch. 1814; special act authorizing use of school property for lectures, libraries, meetings, etc., P. L. 1916, ch. 1414; special act as to teachers' retirement fund, P. L. 1897, ch. 485.

the laws of the state, and may make regulations not repugnant to said laws or to the ordinances of the city. (Ord. 1914, ch. 56, § 7; Rev. Ords. 1946, ch. 31, § 6)

Sec. 22-2. Employment, compensation of superintendent and teachers.

The school committee shall employ a superintendent of the public schools, and such teachers as they may deem expedient, who shall perform such duties as said committee may from time to time prescribe. The superintendent of public schools and the teachers therein shall receive such compensation for their services, respectively, as the school committee shall from time to time determine; provided such compensation, together with all other expenses lawfully incurred, shall not, in the aggregate, exceed the amount appropriated by the city council for the support of the public schools; and provided said appointments shall not be contrary to the provisions of this chapter. (Ord. 1914, ch. 56, § 3; Rev. Ords. 1946, ch. 31, § 1)

State law reference—Power of committee to employ superintendent and teachers, § 16-2-25, Gen. Laws 1956.

Sec. 22-3. Records as to teachers; accounts of books, stationery, supplies, bills.

The secretary of the school committee shall keep in his office a record of the date of employment and discharge of all teachers, and also a record of their respective positions, promotions and salaries, the date of employment and discharge, and the rate of compensation of all substitutes, and shall keep an account of all books, apparatus and stationery, and all fuel and supplies of every kind purchased for the use of the schools, and the disposition thereof. He shall examine and certify to the city controller all bills against the city for the public schools, including the payroll of the teachers of said schools. He shall give notice to the city controller of the appointment of a teacher, or the employment of a substitute, with the full name of the person appointed or employed, and the date on which such person enters upon duty. He shall also

give notice of the resignation of a teacher. He shall immediately notify the city clerk of all changes in the membership of the school committee. (Ord. 1914, ch. 56, § 4; Rev. Ords. 1946, ch. 31, § 3)

Sec. 22-4. Payment of salaries to teachers.

The annual salaries of the teachers in the public schools, as hereafter fixed, from year to year, by the school committee, shall be paid to such teachers in ten (10) installments; one installment, equal to one-tenth (1/10) of the annual salary, to be paid to each of said teachers on or before the fifteenth day of each month, from October to July inclusive. Said salaries shall be paid out of the appropriation for the support of the public schools for the school year in which said salaries shall be payable, and no part of the amount which will be necessary to pay said salaries shall be used for any other purpose. (Ord. 1914, ch. 56, § 5; Rev. Ords. 1946, ch. 31, § 4)

Sec. 22-5. Persons disqualified to act as teachers.

No teacher shall be appointed to any school, who is a member of the school committee or to whom any member of the school committee, or any school officer entitled to act upon the question of the appointment of such teacher, is related by either blood or marriage, as husband, wife, father, mother, son, brother, uncle, aunt, nephew, niece or first cousin. (Ord. 1914, ch. 56, § 6; Rev. Ords. 1946, ch. 31, § 5)

Sec. 22-6. Purchase of books, stationery and supplies.

All books, stationery and supplies required in the schools shall be purchased by such person as the school committee shall designate, who shall keep such records as may be required by the school committee. (Ord. 1914, ch. 56, § 4; Rev. Ords. 1946, ch. 31, § 2)

State law reference—Textbooks and supplies, §§ 16-9-9, 16-23-1, 16-23-2, Gen. Laws 1956.

Sec. 22-7. Prohibited financial interest of school committee personnel.

No member of the school committee, school officer, or teacher, shall be directly or indirectly interested in the furnishing of any supplies or materials, nor in the doing of any work or labor, nor in the sale or leasing of any real estate, nor in any proposal, agreement or contract for any of these purposes, in any case in which the price or consideration is to be paid in whole or in part, or directly or indirectly, out of any school moneys, nor shall receive from any source whatever any commission or compensation in connection with any of the matters aforesaid; provided, that school officers and teachers may respectively receive their salaries. (Ord. 1914, ch. 56, § 8; Rev. Ords. 1946, ch. 31, § 7)

Sec. 22-8. Free instruction to be furnished pupils.

Free instruction shall be given in the public schools to the children of all the inhabitants of the city who shall see fit to avail themselves of the benefits thereof, the pupils to be subject to such rules and regulations as the school committee may from time to time prescribe. (Ord. 1914, ch. 56, § 2; Rev. Ords. 1946, ch. 31, § 14)

Sec. 22-9. Payments by nonresident pupils required.

No pupils from without the city shall be permitted to attend the public schools in the city, except upon the payment for each of such pupils of such charges as the school committee may determine. (Ord. 1914, ch. 56, § 9; Rev. Ords. 1946, ch. 31, § 8)

Sec. 22-10. Vaccination of pupils required.

No person shall be permitted to attend any public school in the city, as a pupil, unless such person shall furnish to the teacher of such school, or to the superintendent of public schools in said city, the certificate of some practicing physician that such person has been protected from smallpox by vaccination. (Ord. 1914, ch. 56, § 10; Rev. Ords. 1946, ch. 31, § 9)

Sec. 22-11. Medals for composition, original address, essay and reading.

There may be offered annually for the competition of the pupils of the graduating classes of the high schools in each four (4) years' course, two (2) silver medals, one to the girls and one to the boys, for excellence in the composition and delivery of original addresses or essays. There may also be offered annually not more than two (2) silver medals for the competition of the pupils in such classes of the public schools as the school committee may determine, for pupils surpassing all others in their class in excellence in reading. (Ord. 1914, ch. 56, § 14; Rev. Ords. 1946, ch. 31, § 13)

Sec. 22-12. Senator Anthony Fund—Character of prizes awarded from fund.

The accrued income of the Senator Anthony prize fund for excellence in the public schools, or so much thereof as in any year may be necessary, shall be distributed annually for prizes in the form of silver medals, to be awarded for excellence in composition, declamation and reading. Prizes of books may likewise be awarded if the income of said fund will permit, and the judgment of the committee in charge of the distribution of the income of said fund shall approve. (Ord. 1914, ch. 56, § 12; Rev. Ords. 1946, ch. 31, § 11)

Sec. 22-13. Same—Power and duty of school committee.

The distribution of prizes provided for in section 22-12 shall be in charge of the school committee, who may from time to time, but not oftener than once in five (5) years, procure designs and dies for the medals provided for in section 22-12, and shall provide the medals to be distributed annually. The school committee shall have power to make all needed rules in reference to the awarding of these medals, and may appoint judges to assist in making the awards. It shall likewise be in the power of the committee to withhold any award from a class in which no pupil exhibits a satisfactory degree of excellence, and it may omit from competition any grad-

uating class on account of its smallness, or for other sufficient reasons. (Ord. 1914, ch. 56, § 13; Rev. Ords. 1946, ch. 31, § 12)

Sec. 22-14. Agreement with School of Design.

The agreement between the Rhode Island School of Design and the city, for the teaching of drawing to such pupils in the public schools as may be recommended by the superintendent of public schools, at an annual expense not exceeding one thousand dollars ($1,000.00), to be charged to the appropriation for public schools, shall continue in effect on the part of the city until further order of the city council. (Ord. 1914, ch. 56, § 11; Rev. Ords. 1946, ch. 31, § 10)

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Chapter 23

STREETS, SIDEWALKS AND PUBLIC PLACES*

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*Charter references—Powers of city, § 2.1 et seq.; department of public works, § 5.23 et seq.

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State law references—Highways, chapters 24-1—24-3, 24-6, Gen. Laws 1956; state law giving authority to council to lay out, alter or repair sidewalks, ch. 24-7, Gen. Laws 1956; offenses on highways, §§ 11-22-9—11-22-11, Gen. Laws 1956; special act relative to storage and sale of merchandise in public streets, P. L. 1909, ch. 468, as amended by P. L. 1940, ch. 840; special act authorizing city to assess abutting owners for cost of bringing streets to grade, P. L. 1930, ch. 1624; special act authorizing certain construction under sidewalks, P. L. 1909, ch. 472, as amended by P. L. 1915, ch. 1276 and P. L. 1916, ch. 1417; special act concerning establishment of platted streets, P. L. 1917, ch. 1549; special act providing for laying out streets and highways in city, P. L. 1886, ch. 587; special act relating to laying out, enlarging, straightening or altering streets, Act of Feb. 22, 1854, as amended by P. L. 1871, ch. 921, P. L. 1872, ch. 991, P. L. 1873, ch. 317, P. L. 1882, ch. 288, P. L. 1896, ch. 369; special acts as to establishment of highways, Act of Jan. 12, 1843, as amended by P. L. 1862, ch. 406, P. L. 1915, ch. 1271, P. L. 1916, ch. 1415, and P. L. 1938, ch. 2663.

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Article I. In General

Sec. 23-1. Names of streets.

The several streets in the city shall continue to be called and known by the names heretofore given to them unless and until they are altered by the city council. (Ord. 1914, ch. 30, § 1; Rev. Ords. 1946, ch. 33, § 10)

Sec. 23-2. Numbering, renumbering of streets, buildings.

The city council may order the buildings on any street to be numbered or may order any street to be renumbered, and the director of public works shall then require the number designated for each building to be affixed thereto or inscribed thereon. Any owner or occupant of a building who, for more than fifteen (15) days after notice from the director of public works, neglects or refuses to affix to or inscribe on such building the street number lawfully designated therefor, or who affixes or causes to be affixed to such building, or inscribes or causes to be inscribed thereon, or retain thereon, for more than fifteen (15) days after notice from the director of public works, a street number other

than the one so designated, shall be deemed guilty of a violation of this section punishable as provided in section 1-10. (Ord. 1914, ch. 30, § 2; Rev. Ords. 1946, ch. 33, § 11)

Sec. 23-3. Obstructing streets leading to, adjoining harbor or river.

No person shall suffer or permit any wood, lumber, merchandise or other thing whatever to him belonging, or under his care or control, to be and remain in any street or highway leading to or adjoining the waters of the harbor or river, nor on any public land adjoining said harbor or river, any longer time than is necessary to land the same from or put the same on board any boat or vessel, and in no case to exceed twenty-four (24) hours. (Ord. 1914, ch. 30, § 30; Rev. Ords. 1946, ch. 33, § 40)

Sec. 23-4. Erection of fences and buildings on building lines; encroachments.

Whenever the director of public works or any person about to erect any fence or building on any line of any street or highway, shall request the city council to examine into, ascertain and show to such director of public works or person so requesting, the line of such street or highway, the city council shall ascertain and point out such line. In case any person shall erect any fence or building so as to encroach on any street or highway, the city council shall proceed in the premises as the interest of the city in its opinion may require. (Ord. 1914, ch. 30, § 5; Rev. Ords. 1946, ch. 33, § 5)

Cross reference—Fences, § 5-46 et seq.

Sec. 23-5. Barbed wire fences.

No fence constructed in whole or in part of barbed wire, so-called, shall hereafter be built, erected, used or maintained upon any public street or highway of this city, or along the side thereof, or of any sidewalk forming a part thereof, nor shall any such fence be built, erected, used or maintained as

a barrier between such street, highway or sidewalk, and any land or premises belonging to private parties. (Ord. 1914, ch. 30, § 34; Rev. Ords. 1946, ch. 33, § 47)

Cross reference—Fences, § 5-46 et seq.

Sec. 23-6. Fee, notice, examination prior to making excavation in street or highway.

Whenever the convenience of any person requires the taking up of any pavement, or the digging of any trench or hole in any street or highway, such person shall first pay to the city collector, to and for the use of the city, the sum of two dollars ($2.00), and shall also give notice thereof in writing to the director of public works, who shall examine such street or highway before the same shall be broken up. (Ord. 1914, ch. 30, § 6; Rev. Ords. 1946, ch. 33, § 6)

Sec. 23-7. Warning signs required at excavation, obstruction.

Whenever any excavation is made or any obstruction exists in any street or highway, the person having charge of such excavation, or causing such obstruction, shall cause signs to be placed across such street or highway, on each side of the excavation or obstruction, with the words "no passing through" painted thereon in dark letters, not less than two and one-half (2½) inches in length, upon a light ground. (Ord. 1914, ch. 30, § 6; Rev. Ords. 1946, ch. 33, § 8)

Sec. 23-8. Warning lights required at excavation, obstruction.

Whenever any excavation or obstruction in a street or highway must of necessity remain after dark in such street or highway, the person making such excavation or obstruction or employing anyone so to do, shall cause such excavation or obstruction and the space around the same to be sufficiently lighted from sunset to sunrise in order to give notice thereof to all persons passing in or through such street or highway. (Ord. 1914, ch. 30, § 6; Rev. Ords. 1946, ch. 33, § 9; Ord. 1951, ch. 550, § 1)

Sec. 23-9. Filling up and repairing excavation.

If any person, for six (6) hours of daylight after the completion of the work for which an opening was made as provided in section 23-6, shall omit to fill up or repair such street or highway to the satisfaction of the director of public works, said director shall fill up or repair the same in a proper manner, and deliver to the city collector a statement of the cost, with reasonable charges for superintendence of the same, and the city collector shall cause the amount to be collected of the person causing such street or highway to be opened. (Ord. 1914, ch. 30, § 6; Rev. Ords. 1946, ch. 33, § 7)

Sec. 23-10. Authority to pave gutters and improve streets.

Whenever the owners of the land on both sides of any street, or of any section of a street, belonging to the city, which section shall not be less than two hundred (200) feet long, the grade and width of the sidewalk of which has been established and recorded, shall furnish the curbing and build the sidewalks thereof, the director of public works may pave the gutters and build such street, or section of a street, at the expense of the city, provided such expense shall not exceed the sum of three hundred dollars ($300.00). (Ord. 1914, ch. 30, § 4; Rev. Ords. 1946, ch. 2, § 100)

Sec. 23-11. Report of street work to be accompanied by estimate of costs and plats.

The report of the director of public works on all applications for the laying out of new streets, or alterations of streets already existing, or for paving, grading, or setting curbing and paving gutters, referred to him, shall be accompanied by full and accurate estimates of the probable cost of the work applied for, and, when practicable, with plats of the same. (Ord. 1914, ch. 49, § 13; Rev. Ords. 1946, ch. 2, § 93)

Sec. 23-12. Throwing or sweeping dirt, sand on sidewalks.

No person shall place, throw or deposit, or cause to be placed, thrown or deposited, any dirt or sweepings upon any

sidewalk or in the gutters in the city, and no person shall sweep, or cause to be swept, any sidewalk in the city between the hours of 10:00 a.m. and 6:00 p.m. Nothing in this section contained shall be construed as forbidding the placing of sand or other proper substances on sidewalks encumbered by ice, or the removing of snow from sidewalks at any time. (Ord. 1944, ch. 1281, § 1; Rev. Ords. 1946, ch. 33, § 33)

Cross reference—Garbage, trash and refuse generally, § 12-46 et seq.

Sec. 23-13. Removal of snow—Required.

All owners, occupants or persons having care of any building or lot bordering upon any street, highway or public place within the city, shall within the first four (4) hours of daylight after the end of any snowfall, or the fall or deposit of snow on the sidewalk of said building or lot from any cause whatsoever:

(a) Remove or cause to be removed all snow from a path not less than three (3) feet in width of the entire sidewalk bordering on said street, highway, or public place; provided however, in areas zoned C-3 as the same appears on the zoning map of the city and in such other areas as the director of public works may publicly designate, snow shall be removed from the entire sidewalk.

(b) Remove or cause to be removed all snow from around any fire hydrant on the sidewalk in front of said building or lot.

(c) Remove or cause to be removed all snow from the opening of any catch basins in the sidewalk of said building or lot. (Ord. 1914, ch. 30, § 24; Rev. Ords. 1946, ch. 33, § 38; Ord. 1961, ch. 1422, § 1)

Cross reference—Removal of snow and ice by railroad, § 19-22.
State law reference—Power of council to regulate removal of snow and ice from sidewalks, § 24-7-1, Gen. Laws 1956.

Sec. 23-14. Same—Deposit restricted.

Snow removed as provided in section 23-13 or from any lot shall not be thrown or deposited on any portion of a

street, highway or public place which has theretofore been plowed or cleared of snow, provided that the director of public works may whenever public convenience or necessity, or physical conditions so require or extreme hardship may result, modify the provisions hereof. (Ord. 1914, ch. 30, § 24; Rev. Ords. 1946, ch. 33, § 38; Ord. 1961, ch. 1422, § 2)

State law reference—Power of council to regulate removal of snow and ice from sidewalks, § 24-7-1, Gen. Laws 1956.

Sec. 23-15. Depositing snow on highway.

No owner, lessee or occupant of any premises, or any person cleaning or removing snow therefrom, shall deposit or cause to be deposited any snow from said premises upon any highway except with the permission of the director of public works. (Ch. 33, § 49, added by Ord. 1958, ch. 1183, § 1)

Sec. 23-16. Removal of ice from sidewalks, required.

Whenever the sidewalk or any part thereof adjoining any building or lot of land on any street shall be encumbered with ice, it shall be the duty of the owner, occupant or any person having the care of such building or lot, to cause such sidewalk to be made safe and convenient by removing the ice therefrom, or by covering the same with sand or some other suitable substance. (Ord. 1914, ch. 30, § 25; Rev. Ords. 1946, ch. 33, § 39)

State law reference—Power of council to regulate removal of snow and ice from sidewalks, § 24-7-1, Gen. Laws, 1956.

Sec. 23-17. Removal of snow and ice on sidewalks adjoining city property.

(a) Sidewalks adjoining property belonging to or occupied by the city shall be cleared of snow under the direction of the department, committee or officer of the city having by ordinance or statute the care, custody or use of such property. Whenever the sidewalk or any part thereof adjoining any property belonging to or occupied by the city shall be encumbered with ice, the department, committee or officer of the city having by ordinance or statute the care, custody or use of such property, shall cause such sidewalk to be made

safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable substance.

(b) The expense of any such work shall be paid from the appropriation for the support of such department. In case any such department, committee or officer has no janitors or employees available to do said work, the superintendent of public buildings may, upon request of such department, committee or officer, cause said work to be done, the expense thereof to be charged to the appropriation for such department, committee or officer. (Ord. 1914, ch. 47, § 8; Rev. Ords. 1946, ch. 33, § 40)

Sec. 23-18. Throwing water on sidewalks.

No person shall place, throw, pour or spatter, or cause to be placed, thrown, poured or spattered, any water upon any sidewalk in the city between the hours of 7:30 a.m. and 7:00 p.m. (Ord. 1914, ch. 30, § 18; Rev. Ords. 1946, ch. 33, § 34)

Sec. 23-19. Permitting water to run from land upon street.

No water upon any land adjoining a public street or highway which is paved or which is graded, and the gutters thereof paved, shall be permitted to run from any such land upon such street or highway, excepting spring water, the natural run of which may be upon such street or highway, and rainwater. No owner or occupant of any land shall permit any water to run from the land owned or occupied by him upon any street or highway, after two (2) days' notice in writing by the chief of police to prevent the same. (Ord. 1914, ch. 30, § 23; Rev. Ords. 1946, ch. 33, § 37)

Sec. 23-20. Deposits of unhealthy effluvia and dirty water.

No person shall throw or deposit, or cause to be thrown or deposited, nor suffer to flow into or upon any street, highway, gangway or public place, any water or other liquid which causes any noxious or unhealthful effluvia, nor any filthy or dirty water or liquid. (Ord. 1914, ch. 30, § 21; Rev. Ords. 1946, ch. 33, § 35)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 23-21. Removal of injurious oil, vitriol or other liquid.

Whenever from accident or casualty any oil of vitriol or other liquid which may injure man or beast by contact therewith shall be spilled, or which may render travel unsafe to man or beast shall be thrown or deposited in any street, the person in whose charge and control such liquid was, at the time of such accident or casualty, shall, as soon as reasonably may be, by removal of the same or otherwise, restore the street to a condition reasonably safe for travel of man or beast. (Ord. 1914, ch. 30, § 22; Rev. Ords. 1946, ch. 33, § 36)

Sec. 23-22. Throwing slippery fruit skins, similar substances.

No person shall cast, throw, place or deposit on any sidewalk or crosswalk in any street or public place within the corporate limits of the city, any part or portion of any fruit or vegetable or other substances which, when stepped upon by any person, is liable to cause or does cause such person to slip or fall. (Ord. 1914, ch. 30, § 26; Rev. Ords. 1946, ch. 33, § 41)

Cross reference—Garbage, trash and refuse, § 12-46 et seq.

Sec. 23-23. Stores to post copy of sections 23-22 and 23-23.

The proprietor of every store or other place where fruit, vegetable or other substances mentioned in section 23-22 of this chapter are sold or kept for sale, shall keep suspended therein or posted thereon in some conspicuous place, constantly, a copy of section 23-22 and this section of this chapter, printed in large type, so that persons purchasing any fruit, vegetable or other substances, may become aware of their provisions, and every proprietor refusing or neglecting to comply with the provisions of this section shall be deemed guilty of a violation of this section, punishable as provided in section 1-10. (Ord. 1914, ch. 30, § 27; Rev. Ords. 1946, ch. 33, § 42)

Sec. 23-24. Goods, wares, firewood, coal, other items on street or sidewalk.

Except as permitted by the department of public works, no person shall deposit, place or put, nor suffer to be de-

posited, placed or put, by any person in his employ, any goods, wares, firewood, coal, chattels or merchandise, on any street, highway or sidewalk, except while loading or shipping the same, or actually removing the same into or out of some building or enclosure, or loading the same into or unloading the same out of some vehicle. (Ord. 1914, ch. 30, § 28; Rev. Ords. 1946, ch. 33, § 43)

Sec. 23-25. Hoisting or lowering merchandise over street.

No merchandise shall be hoisted or lowered into or out of any building over any street, where the director of public works shall have adjudged such hoisting or lowering dangerous to travelers in such street. (Ord. 1914, ch. 30, § 38; Rev. Ords. 1946, ch. 33, § 48)

Sec. 23-26. Cutting firewood or breaking up coal on sidewalk.

No person shall saw, split or cut any firewood or lumber, nor break up any coal, on any sidewalk. (Ord. 1914, ch. 30, § 29; Rev. Ords. 1946, ch. 33, § 45)

Sec. 26-27. Lighting, building or making fires.

No person, except one in the employ of the board of park commissioners or superintendent of parks, shall light, build or make any fire in any public square or public grounds. (Ord. 1914, ch. 40, § 17; Rev. Ords. 1946, ch. 24, § 25)

Sec. 23-28. Obstructing streets by persons congregating.

Three (3) or more persons shall not stand in a group or near each other, on any sidewalk, in such manner as to obstruct free passage for foot passengers. Any person obstructing any sidewalk shall move on immediately when requested so to do by the mayor, chief of police or any police constable. (Ord. 1914, ch. 30, § 10; Rev. Ords. 1946, ch. 33, § 44)

State law reference—Authority of council to prevent persons from standing on sidewalks, etc., to cause obstruction, § 45-6-1, Gen. Laws 1956.

Sec. 23-29. Duty to keep off grass.

No person shall stand, lie, wait or walk on any grass growing upon any public land set apart and designated as and for public squares and grounds. (Ord. 1914, ch. 40, § 15; Rev. Ords. 1946, ch. 24, § 23)

Sec. 23-30. Playing ball, throwing missiles, sliding and skating.

No person shall play ball or throw any stones or other missiles, or slide on any sled or machine or in any vehicle whatever, for amusement, in, upon or across any of the streets or highways. No person shall skate on roller or other skates of any kind in or upon any roadway or any street or highway. (Ord. 1915, ch. 92, § 1; Rev. Ords. 1946, ch. 33, § 32)

Sec. 23-31. Use of skate boards on street, highway, sidewalk, pedestrian mall.

No person shall ride a skate board on any street, highway, sidewalk or pedestrian mall within the limits of the city. (Ord. 1965, ch. 1709, § 1)

Secs. 23-32—23-39. Reserved.

Article II. Public Works*

Sec. 23-40. Employment on public works.

(a) *Preference of citizens.* In the employment of mechanics, teamsters and laborers by any contractor or subcontractor in the construction of public works for the city,

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***Charter references**—Off-street parking facilities, § 2.19 et seq.; pedestrian malls, § 2.35 et seq.; department of public works, § 5.23 et seq.

Cross references—Director of public works to report on highway matters, § 2-112; to superintend work on streets and sidewalks, § 2-113; to superintend numbering of streets and placing of signs, § 2-114; city engineer to be consulted on matters of public improvement, § 2-132; authority as to structures and public works, § 2-133; duties in relation to streets, § 2-135; duties of city messenger as to care of city hall and offices, § 2-181; superintendent of public buildings, § 2-194 et seq.;

preference shall first be given to citizens of the city who are qualified to perform the work to which the employment relates; and if they cannot be obtained in sufficient numbers, then to citizens of the United States.

(b) *Wages.* The wages for a day's work paid to mechanics, teamsters and laborers heretofore mentioned shall be not less than the customary and prevailing rate of wages for a day's work in the same trade or occupation in the localities where such public works are constructed. In case of any dispute as to such customary and prevailing rate of wages, a committee composed of the president of the city council, the chairman of the committee on city property, the superintendent of public buildings and the director of public works, shall investigate the wages paid in the trade or occupation in the locality where such public works are under construction and decide what rate of wages shall be paid, and the decision of this committee shall be conclusive on all parties concerned. (Ord. 1931, ch. 825, §§ 1, 2; Rev. Ords. 1946, ch. 29, § 5)

Sec. 23-41. Section 23-40 part of contracts for public works.

Every contract for the construction of public works shall contain the provisions of section 23-40 as one of its provisions. (Ord. 1931, ch. 825, § 3; Rev. Ords. 1946, ch. 29, § 6)

Sec. 23-42. Enlargements, alterations of city buildings; plans required.

Except as otherwise may be expressly provided by ordinance or resolution of the city council, whenever there is need to enlarge any building of the city by building an addition thereto or otherwise, or to make any alteration of any

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city plan commission to cooperate with finance director as to capital improvements, § 2-253; installation of sockets in sidewalks for display for flags, §§ 2-317, 2-318; cemeteries, § 6-1 et seq.; railways not to interfere with public work of city, § 19-20.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; offenses relative to poles and wires, §§ 11-35-1, 11-35-4, 11-35-5, Gen. Laws 1956; special act authorizing certain construction under sidewalks, P. L. 1909, ch. 472, as amended by P. L. 1915, ch. 1276 and P. L. 1916, ch. 1417.

such building, for the use of any department of the city, the cost of which may exceed the sum of five hundred dollars ($500.00), the department, or the committee representing the department, shall submit to the city council its request therefor with a general description of what is needed, but without plans or specifications thereof, which request and description shall, if approved by the city council, be referred to the committee on city property; and said committee on city property shall thereupon cause any necessary plans of the same to be prepared as nearly as may be in accordance with said request and description, and shall report said plans and the estimated cost of the work to the city council. (Ord. 1914, ch. 47, § 2; Rev. Ords. 1946, ch. 29, § 1)

Cross reference—Building ordinance, amendments thereto preserved, § 5-1.

Sec. 23-43. New city buildings; plans required.

Except as otherwise may be expressly provided by ordinance or resolution of the city council, whenever a new building is required for the use of the city, the department, or the committee representing the department for which the building is desired, shall submit to the city council in writing a request for the building required by such department, accompanied with a general description of said building but without plans or specifications thereof, which request and description shall, if approved by the city council, be referred to the committee on city property; and said committee on city property shall thereupon cause plans for said building to be prepared as nearly as may be in accordance with said request and description, and shall report said plans and the estimated cost of said proposed building to the city council. (Ord. 1914, ch. 47, § 1; Rev. Ords. 1946, ch. 29, § 2)

Cross reference—Building ordinance, amendments preserved, § 5-1.

Sec. 23-44. Use of city buildings by school committee as annexes.

Whenever requested in writing by the school committee, the superintendent of public buildings shall allow said school committee to use, for such time as said superintendent may

approve, such buildings or parts of buildings belonging to the city as are not required for other city purposes, as annexes to the public schools, provided said school committee shall supply the school furniture and other necessary school appurtenances, and the janitors for the care of the buildings or parts thereof so occupied as public school annexes. (Ord. 1914, ch. 47, § 7; Rev. Ords. 1946, ch. 29, § 3)

Sec. 23-45. Care and management of bathhouses and comfort stations.

All public comfort stations of the city, except such as are located in any parks or parkways, and all public bathhouses shall be under the care and management of the superintendent of public buildings, subject to the direction of the director of public works. (Ord. 1914, ch. 13, § 1; Ord. 1917, ch. 175, § 1; Rev. Ords. 1946, ch. 29, § 7)

State law reference—Special act authorizing establishment of comfort stations, P. L. 1906, ch. 1376.

Sec. 23-46. Authority of superintendent of buildings as to bathhouses, comfort stations.

The superintendent of public buildings shall do or cause to be done all things necessary for the proper care, maintenance, management and control of public bathhouses and comfort stations, and shall employ such number of persons, men and women, as necessary for the care and operation thereof, and for controlling the use thereof by the public, and may discontinue the employment of any of them at any time. (Ord. 1914, ch. 13, § 1; Ord. 1917, ch. 175, § 1; Rev. Ords. 1946, ch. 29, § 8)

Sec. 23-47. Rules for bathhouses and comfort stations.

The superintendent of public buildings shall make rules regulating the use of public bathhouses and comfort stations by the public. Such rules shall be printed and posted in conspicuous places in each such house or station. (Ord. 1914, ch. 13, § 1; Ord 1917, ch. 175, § 1; Rev. Ords. 1946, ch. 29, § 9)

Sec. 23-48. Expulsion of disorderly persons from bathhouses and comfort stations.

Any attendant in charge or police officer may exclude or expel from any public bathhouse or comfort station any person conducting himself in a disorderly manner or violating any rules provided for in section 23-47, in any particular. (Ord. 1914, ch. 13, § 1; Ord. 1917, ch. 175, § 1; Rev. Ords. 1946, ch. 29, § 10)

Secs. 23-49—23-58. Reserved.

Article III. Construction and Repair of Sidewalks*

Sec. 23-59. Power and authority of director of public works.

The director of public works is hereby vested with full power and authority to superintend, order and direct the building and altering of any sidewalk in the city, the materials to be used, and the time within which said building or alteration shall be made. (Ord. 1914, ch. 49, § 14; Rev. Ords. 1946, ch. 2, § 94)

Sec. 23-60. License required from director of public works.

No person shall carry on the business of building and altering sidewalks in the city unless he shall be first duly licensed by the director of public works. (Ord. 1929, ch. 727, § 1; Rev. Ords. 1946, ch. 33, § 1)

Sec. 23-61. Issuance of license.

The director of public works may license any suitable person to carry on the business of building and altering sidewalks

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*Charter reference—Department of public works, § 5.23 et seq.

Cross references—Department of public works, § 2-111 et seq.; director of public works to report on highway matters, § 2-112; to superintend work on streets and sidewalks, § 2-113; to superintend numbering of streets and placing of signs, § 2-114; city engineer to be consulted on matters of public improvement, § 2-132; authority as to structures and public works, § 2-133; installation of sockets in sidewalks for display for flags, §§ 2-317, 2-318.

State law references—Authority of council to lay out, alter or repair sidewalks, ch. 24-7, Gen. Laws 1956; special act authorizing certain construction under sidewalks, P. L. 1909, ch. 472, as amended by P. L. 1915, ch. 1276 and P. L. 1916, ch. 1417; special act authorizing council to establish system of fees for granting or issuing licenses or permits, P. L. 1922, ch. 2241.

in the city, but no such license shall be issued until the fee therefor shall have been paid to the city collector. (Ord. 1929, ch. 727, § 1; Rev. Ords. 1946, ch. 33, § 2)

Sec. 23-62. Bond to accompany license application.

Every person making application for a license to carry on the business of building and altering sidewalks shall furnish a bond in the sum of five thousand dollars ($5,000.00), with one or more sureties, satisfactory to the director of public works, conditioned substantially that the applicant shall pay any damages or loss suffered by any person or persons by reason of any negligence of the applicant in the work of building or altering sidewalks and further conditioned that the applicant shall indemnify and save harmless the city and said director and the owners of the premises abutting the sidewalks on which any work is being done, from all suits and actions of every name and description brought against said city, or any officer of the city, or any such owner, for or on account of any injuries or damages received or sustained by any person in consequence of or resulting from any improper work performed by said applicant, his servants or agents, or of or from any improper materials used in said work, or of or from any negligence in guarding said work, or of or from any act or omission of said applicant, his servants or agents. It shall also be conditioned that the applicant shall faithfully perform said work in all respects to the satisfaction of the director of public works, and that said applicant shall comply in all respects with the rules and regulations established by the director relative to said work and shall also pay all fines imposed upon him for violation of any such rule or regulation. (Ord. 1929, ch. 727, § 1; Rev. Ords. 1946, ch. 33, § 3; Ord. 1952, ch. 585, § 1)

Sec. 23-63. Place of business prerequisite to licensing.

No license to carry on the business of building and altering sidewalks in the city shall be granted to any person unless he shall have a place of business in the city. (Ord. 1929, ch. 727, § 1; Rev. Ords. 1946, ch. 33, § 1)

Sec. 23-64. Fee for license.

The fee for issuing a license to carry on the business of building and altering sidewalks in the city shall be ten dollars ($10.00). (Ord. 1929, ch. 727, § 1; Rev. Ords. 1946, ch. 33, § 2)

Sec. 23-65. Duration of license.

All licenses to carry on the business of building and altering sidewalks in the city shall be for a term ending on the thirty-first day of December next following the date of their issuance. (Ord. 1929, ch. 727, § 1; Rev. Ords. 1946, ch. 33, § 2)

Sec. 23-66. Notice of sidewalk construction, alteration required.

Whenever the director of public works shall have determined in what manner, of what materials, and within what time any sidewalks shall be built or altered, he shall cause written or printed notice thereof to be personally given to the owner of the adjacent lot, if residing within the city, particularly describing the materials, width, height and manner in which the sidewalk shall be built, or the alteration to be made; but if the owner shall not reside in the city, then the notice shall be given to the tenants in possession; but if no tenant shall be in possession, then the same shall be published in the newspapers employed to do the city advertising once a week for three (3) successive weeks. (Ord. 1914, ch. 49, § 14; Rev. Ords. 1946, ch. 2, § 95)

Annotation—In **Manton v. Clark, 45 R. I. 170, 121A. 116, 117,** it was said: "If any notice relative to either of said orders (two orders issued pursuant to the preceding section) was given to the plaintiff, the defendant was unable to prove the contents of the notice; no copies were retained, and no record describing said contents was made. As the defendant failed to overcome the prima facie case, established by the plaintiff, by proving that notice in accordance with the provisions of said ordinance (this section) was given to plaintiff before the work in question was performed by said commissioner, the plaintiff's exception to the refusal of the trial court to direct a verdict in her favor must be sustained."

Sec. 23-67. Effect of noncompliance with time limit for construction, repair.

At the expiration of the time limited by the director of public works as provided in section 23-66; if the work shall

not have been prosecuted according to his directions, he shall, in his discretion, proceed at the expense of the city and execute the directions so given to the owner by him. When the same shall be accomplished, it shall be the duty of the director to certify the expense thereof to the assessors of taxes of the city, together with ten per centum (10%) in addition thereto, to cover the interest, cost of assessing and collecting. Said sum so certified shall be by the assessors added to the tax of the owner of such adjacent lot so neglecting as aforesaid, which proceeding shall be conclusive, and the said owner with his estate shall be responsible therefor in the same manner as for other taxes. In case any society which is exempt from taxation shall be owner of said land, the proceedings shall be the same, and notice shall be given to the treasurer of said society, and the cost of such alteration, with the ten per centum (10%) additional, shall be collected of such society in the same manner as is prescribed by law for the collection of taxes. (Ord. 1914, ch. 49, § 14; Rev. Ords. 1946, ch. 2, § 96)

Sec. 23-68. Width of sidewalk.

Unless otherwise authorized by the written permit of the director of public works, all sidewalks hereafter constructed, reconstructed or altered in any public highway in the city shall be constructed or rebuilt by laying the concrete, brick, stone or other form of pavement used for such sidewalks the entire width from the street line to the curb. (Ord. 1918, ch. 186, § 1; Rev. Ords. 1946, ch. 33, § 4)

Secs. 23-69—23-78. Reserved.

Article IV. Westminster Pedestrian Mall*

Sec. 23-79. Declaration of public interest and convenience.

The city council, acting under the authority of Chapter 176 of Public Laws of Rhode Island of 1962, entitled "An Act

*Charter references—Pedestrian malls, § 2.35 et seq.; department of public works, § 5.23 et seq.

Cross references—Director of public works to report on highway matters, § 2-112; to superintend work on streets and sidewalks, § 2-113; to superintend numbering of streets and placing of signs, § 2-114; provisions pertaining to public service engineer, § 2-233 et seq.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; authority of council to lay out, alter, repair sidewalks, ch. 24-7, Gen. Laws 1956.

Authorizing the Conversion of Certain Streets of the City of Providence into Pedestrian Malls", approved April 20, 1962, hereby determines that the public interest and convenience require the establishment of a pedestrian mall within the central business district of the city on a portion of Westminster Street and certain intersecting streets as shown on the map filed in the office of the city clerk, entitled "Westminster Pedestrian Mall, Limits of Construction", and generally described in this article, and the said city council hereby determines that the vehicular traffic using said streets, to be converted as pedestrian malls, will not be unduly inconvenienced thereby. (Ord. 1963, ch. 1563, § 1)

Editor's note—The Act referred to above is set out in Part I of this publication, § 2.35 et seq.

Sec. 23-80. Established, limits fixed.

The city council hereby establishes, under authority of Chapter 176, Public Laws of Rhode Island of 1962, a pedestrian mall within the central business district of the city as shown on the map entitled "Westminster Pedestrian Mall, Limits of Construction" filed in the office of the city clerk and as hereinafter generally described:

(a) *Streets.* That portion of Westminster Street beginning at the intersection of Dorrance Street; thence southwesterly to the intersection of Mathewson Street and continuing from the intersection of Mathewson Street southwesterly to the intersection of Empire Street; that portion of Eddy Street beginning at the intersection of Middle Street northwesterly to the intersection of Fulton Street; that portion of Union Street beginning at the intersection of Weybosset Street northwesterly to the intersection of Fulton Street; that portion of Clemence Street from the intersection of Weybosset Street northwesterly to Washington Street; that portion of Moulton Street beginning at the intersection of Westminster Street northwesterly to the intersection of unnamed gangway southeast of Maiden Lane; that portion of Snow Street beginning at the

intersection of Westminster Street southeasterly approximately 50 feet toward Chapel Street; and another portion of Snow Street approximately 20 feet in a northwesterly direction from the intersection of Westminster Street; that portion of Aborn Street 25 feet in a northwesterly direction from the intersection of Westminster Street; all as shown on the aforementioned map.

(b) *Intersections.* The mall intersections and intersecting streets as indicated on the aforementioned map. (Ord. 1963, ch. 1563, § 2)

Sec. 23-81. Operation of vehicular traffic restricted.

Vehicular traffic shall be prohibited, in whole or in part, on the pedestrian mall established in section 23-80, as follows:

(a) All emergency vehicles shall be permitted on all streets and pedestrian malls.

(b) Westminster Street: All vehicular traffic shall be prohibited from Dorrance Street to Snow Street, two-way traffic shall be permitted between Snow Street and Empire Street.

(c) Eddy Street: Traffic shall be one-way in a northwesterly direction from Weybosset Street to Washington Street. All vehicular traffic shall be prohibited between Middle Street and Fulton Street except buses and service vehicles. Service vehicles shall be prohibited from stopping, loading or unloading between Weybosset Street and Fulton Street during the period from 7:00 a.m. to 6:00 p.m. weekdays.

(d) Middle Street: Traffic shall be one-way in a northeasterly direction from Eddy Street to Dorrance Street. Between Eddy Street and Union Street, traffic shall be one way in a southwesterly direction and all vehicular traffic except service vehicles shall be prohibited.

(e) Union Street: Traffic shall be one-way in a southeasterly direction from Washington Street to Fulton Street and for service vehicles from Middle Street to Weybosset Street; provided however, that service vehicles shall be prohibited from stopping, loading or unloading during the period from 11:00 a.m. to 6:00 p.m. on weekdays. All vehicular traffic shall be prohibited from Fulton Street to Middle Street.

(f) Fulton Street: Traffic shall be one-way in a northeasterly direction from Union Street to Eddy Street, and one way in a southwesterly direction, from Dorrance Street to Eddy Street.

(g) Clemence Street: Traffic shall be one-way in a southeasterly direction from Washington to Weybosset Streets. All vehicular traffic shall be prohibited except service vehicles.

(h) Maiden Lane: Traffic shall be one-way in a southwesterly direction from Mathewson to Moulton Streets.

(i) Unnamed gangway, southeast of Maiden Lane: Traffic shall proceed one way in a northeasterly direction from Moulton to Mathewson Streets.

(j) Snow Street: Traffic shall proceed one way in a northwesterly direction from Weybosset Street to Chapel, two way from Chapel Street to Westminster Street, and one way in a southeasterly direction from Washington Street to Westminster Street.

(k) Aborn Street: Traffic shall proceed one way in a southeasterly direction from Washington Street to Westminster Street. (Ord. 1963, ch. 1563, § 3; Ord. 1964, ch. 1672, § 2; Ord. 1965, ch. 1733, § 1)

Sec. 23-82. Towing of unlawfully parked, standing vehicle.

Any vehicle either parked or left standing in violation of the regulations established by this article may be towed away by any authorized towing agency at the expense of the owner. Fees chargeable shall be the same as set forth in section 15-22 of this Code of Ordinances. (Ord. 1963, ch. 1563, § 5)

Cross reference—Impoundment of vehicles, § 15-18 et seq.

Sec. 23-83. Projecting signs—Erection prohibited.

No projecting sign shall be permitted to be erected on Westminster Pedestrian Mall. (Ord. 1965, ch. 1736, § 1)

Sec. 23-84. Same—Continuance of existing signs.

Any projecting sign which lawfully exists on November 22, 1965, may be continued, but shall not be enlarged or altered in any way except for routine maintenance. (Ord. 1965, ch. 1736, § 1)

Sec. 23-85. Same—Discontinuance of existing signs.

If a projecting sign which lawfully exists on November 22, 1965, shall have been damaged by fire, explosion or other catastrophe to such an extent that the cost of restoration would be greater than sixty per cent (60%) of its entire replacement value, it shall be permanently removed. Where any use of a building upon which there exists a projecting sign is discontinued, said projecting sign pertaining to said discontinued use shall be removed forthwith. (Ord. 1965, ch. 1736, § 3)

Sec. 23-86. Same—Definitions applicable.

The following definitions shall apply in the interpretation and enforcement of this article and any rules and regulations adopted pursuant thereto:

Projecting sign. "Projecting sign" shall mean a sign erected perpendicular to or approximately perpendicular to the facade of the building or structure on which it is mounted and projecting into the right-of-way of the Westminster Pedestrian Mall. A projecting sign shall also include a sign suspended from the ceiling of a marquee or mounted on a marquee in any manner.

Sign. "Sign" shall mean any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, flag or representation used to communicate, or in any other way to attract the eye or any sense, and shall include any marquee. (Ord. 1965, ch. 1736, § 5(1), (2))

Sec. 23-87. Interpretation of provisions, reservation of rights to city.

The city and the city council thereof shall retain its police powers and other rights and powers relating to the city streets constituting a part of the pedestrian mall. No action taken herein shall be interpreted or construed to be a vacation or abandonment, in whole or in part, of any city street or any right therein, it being intended that the establishment of a pedestrian mall pursuant to Chapter 176 of the Public Laws of Rhode Island, 1962, be a matter of regulation. Nothing in this article shall be interpreted or construed to prevent the city and city council, at any time, from changing the extent of the pedestrian mall, or from changing or repealing any of the rules and regulations pertaining to the pedestrian mall. (Ord. 1963, ch. 1563, § 6)

Secs. 23-88—23-97. Reserved.

Article V. Poles, Wires and Conduits*

Sec. 23-98. Locations, installations to comply with article, state acts, contracts.

All poles, conduits, subways, manholes, pipes, wires, cables, fixtures and appurtenances hereafter installed in the city for the purpose of conducting or furnishing electricity or gas for light, heat or power, or for telegraphic, telephonic or signal purposes, shall be located, placed, constructed, used and maintained in accordance with the provisions of this article, subject and supplementary, however, to the condi-

*Note—Ordinance permitting Narragansett Electric Lighting Company to erect poles and wires in, over and along India Street and to string wires across certain streets, ch. 163, Ordinances of 1917; ordinance permitting Narragansett Electric Lighting Company to erect poles and wires in Oriental Street, from Admiral Street to Oregon Street, ch. 157, Ordinances of 1916.

Charter reference—Department of public works, § 5.23 et seq.

State law references—Authority to regulate poles and wires, § 45-6-1, Gen. Laws 1956; offenses relating to poles and wires, §§ 11-35-1, 11-35-4, 11-35-5, Gen. Laws 1956.

tions of the several acts passed by the General Assembly, whereby authority has been granted to telegraph, telephone, signal, light, heat, power and railroad companies to do business in said city or to any corporation or person to locate, place, construct, use or maintain the same therein, and to the several grants, permissions, consents and contracts heretofore or hereafter lawfully made or given by said city or the city council to or with any public service company, or any corporation or person, and so subject to any extent that any right thereunder is inconsistent with and limits the power of the city council in the premises, during any period that such right thereunder remains in force. (Ord. 1914, ch. 64, § 4; Rev. Ords. 1946, ch. 26, § 8)

Sec. 23-99. Permission of council required for installations; exception.

No poles, conduits, subways, manholes, pipes, wires, cables or other electrical or gas fixtures or appurtenances subject to the provisions of this article shall be placed or maintained in, on, over, across or under any street or other public place in the city without permission of the public service engineer, but this provision shall not be construed to apply to placing or maintaining any underground conduits, wires, cables, pipes or other underground electric or gas fixtures or appurtenances of any public service company in any such streets, ways or places, in which such company previously has been lawfully granted and has the right to place and maintain the same, but none of the same shall be located in any such street, way or place by any such company, until a plan of the streets, ways and places in which it is proposed to place and maintain the same and of the proposed location of any conduits, distribution ducts and pipes therein shall be filed with the director of public works and until he shall be informed in writing of the size of the proposed conduits, ducts and pipes, nor shall any of the same be placed in any such street, way or place except in such particular locations therein as shall be designated by said director. (Ord. 1914, ch. 64, § 5; Rev. Ords. 1946, ch. 26, § 9)

Sec. 23-100. Submission of application for installation, plat accompanying same.

Every application to the public service engineer to locate, place, construct, use or maintain any poles, conduits, subways, manholes, pipes, wires, cables, or other electrical or gas fixtures or appurtenances in, on, over, across or under any streets or other public places in the city, shall designate the streets or other public places in the city in, on, over, across or under which it is proposed to locate the same, and every such application shall be accompanied by a plat showing the proposed locations of such poles, conduits, subways, manholes or pipes. Before action thereon by the public service engineer such application and plat shall be examined by the public service engineer and all the proposed locations thereof aboveground shall be inspected by him on the ground, and with reference to the proposed location of poles for the support of lights in streets or parks he shall consult with the committee on public works. (Ord. 1914, ch. 64, § 6; Rev. Ords. 1946, ch. 26, § 10)

Sec. 23-101. Public hearing on application for installation.

Whenever the public service engineer shall deem it desirable or necessary to give a public hearing upon any application described in section 23-100 to be reported upon by him as aforesaid, he shall, at least six (6) days before the time designated by him for such public hearing, cause a notice of the time and place of such hearing thereon to be published in one of the daily newspapers in the city, but no failure or omission of said engineer to observe any provisions hereof and no failure or omission of the public or any person interested to attend any such advertised hearing shall affect the validity of any proceedings relative to such application subsequent to his making such report. (Ord. 1914, ch. 64, § 6; Rev. Ords. 1946, ch. 26, § 11)

Sec. 23-102. Approval of specifications, contracts.

No contract to purchase any electrical or gas machinery, apparatus, appliances, fixtures or appurtenances, or for the

installation, material alteration or repair of any electrical or gas machinery, appartus, appliances, fixtures or appurtenances in, on, over, across or under any public estate or building of the city shall be let or made by any officer or representatives of the city, until the specifications therefor shall have been first submitted to and approved by said public service engineer. No contract for installing, materially altering or repairing any electrical or gas machinery, apparatus, appliances, fixtures or appurtenances pertaining to the fire alarm or police signal systems of the city, whether in, on, over, across or under any public estate or building of the city, or in any street or other public way or place in the city, shall be let or made, until the specifications therefor shall have been first submitted to and approved by said engineer. (Ord. 1915, ch. 106, § 2; Rev. Ords. 1946, ch. 26, § 4)

Sec. 23-103. Director of public works to review applications for underground installations.

All applications to place any conduits, subways, manholes or pipes under any street or other public place therein shall be examined by the director of public works. (Ord. 1914, ch. 64, § 6; Rev. Ords. 1946, ch. 26, § 12)

Cross reference—Department of public works, § 2-111 et seq.

Sec. 23-104. Grant or permission for installation to specify location.

Every grant or permission by the public service engineer to erect, place or maintain any poles, conduits, subways, manholes, pipes, wires, cables or other electrical or gas fixtures or appurtenances, as provided in this article, shall designate the streets or other public places in, on, over, across or under which the same are to be located, and the particular locations of such poles, conduits, subways, manholes, or pipes with reasonable definiteness. (Ord. 1914, ch. 64, § 6; Rev. Ords. 1946, ch. 26, § 13)

Sec. 23-105. Time limit to exercise privilege for installation.

Any permission hereafter granted for the erection or construction of poles, wires or other structures on, in or

under any street or sidewalk for any purpose whatever, shall be void unless the privilege granted shall be exercised within six (6) months from and after the date of the grant of said permission. (Ord. 1914, ch. 64, § 7; Rev. Ords. 1946, ch. 26, § 14)

Sec. 23-106. Revocation of permission for installation.

Permission given by the public service engineer to erect, place or maintain poles, wires or other electrical or gas fixtures or appurtenances may be revoked by him in whole or in part upon ninety (90) days' notice, and such permission may be revoked in whole or in part for reasonably sufficient cause in case of noncompliance with any direction of said engineer or the director of public works by him given in pursuance of the provisions of this article, but no right of any public service company or any corporation or person to place or maintain any conduits, poles, wires, cables, pipes or other electrical or gas fixtures or appurtenances, heretofore or hereafter acquired under any contract, grant, consent or permission lawfully made or given by the state or by said city or the city council, to any extent that such right is inconsistent with and limits the power of the city council to revoke the same, shall be construed to be subject to such revocation during any period that such right under such contract, grant, consent, or permission shall remain in force. (Ord. 1914, ch. 64, § 9; Rev. Ords. 1946, ch. 26, § 16)

Sec. 23-107. Public work of city to take precedence over installations.

No right of any person to maintain, use or operate any poles, wires, cables, conduits, ducts, pipes, manholes, handholes or other appliances or appurtenances in any street or other traveled way in the city, shall be in preference or hindrance of public work in the city, and should any of the same in any way interfere with the construction, alteration or repair of public work in any such street or way, whether done by the city directly or by any contractor for the city, such person shall at his own expense protect, alter or move any of the same so interfering to some other location in such

street or way, or discontinue the use and operation thereof for the time being, as directed by the director of public works, without the city being liable for any damages suffered by such person thereby. The city shall notify such person a reasonable time in advance of any public work, which will interfere with any of the same or the use or operation thereof. In case such person shall fail to comply with any such direction of said director, the city may protect, alter or move the same, and recover the cost thereof from such person. (Ord. 1914, ch. 64, § 29; Rev. Ords. 1946, ch. 26, § 38)

Sec. 23-108. Precedence of wires, apparatus of city signal service.

The wires, poles, posts, structures and supports of the telephone, fire alarm and police signal service maintained by the city shall at all times take precedence and right-of-way as to all other wires, poles, posts, structures and supports maintained or erected in the city; and no lineman or other person, either in erecting wires, poles, posts, structures or supports in any way whatsoever shall interfere with, or disturb, disarrange or change any wires maintained by the city, or any appurtenance thereof; and in every instance of removal of any of said wires, poles, posts, structures or supports for the accommodation of any other corporation or party, or to place the same beyond danger from the electric current of any other corporation or party, the expense incident to said removal shall be paid immediately by such other corporation or party. (Ord. 1914, ch. 64, § 8; Rev. Ords. 1946, ch. 26, § 15)

Sec. 23-109. Indemnity of city against claims arising out of electrical installations.

Every person erecting, maintaining or using electric wires or poles, fixtures or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property oc-

casioned by the existence of such poles, wires, fixtures or structures, or the transmission of electric current by means thereof, or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, city council, or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions, respectively given and reserved herein, shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby. (Ord. 1914, ch. 64, § 10; Rev. Ords. 1946, ch. 26, § 18)

Sec. 23-110. Information as to installations to be furnished public service engineer.

Every public service company, corporation or person owning, using or operating any poles, conduits, subways, manholes, pipes, wires, cables or other electrical or gas fixtures or appurtenances, now or hereafter installed in, on, over, across or under any street or other public way or place in the city or over any building therein, shall within a reasonable time after being requested by the public service engineer therefor, furnish him with such information and in such form, as will substantially give or show the location of such poles, the number of crossarms thereto affixed, and the number of wires and cables thereto attached, and the location and size of such conduits, subways, manholes, pipes and other electrical or gas fixtures and appurtenances, the locations where service is rendered and the kinds of service rendered at such locations respectively, and such other information as to the same and the operation thereof as said engineer may need properly to perform his duties. (Ord. 1914, ch. 64, § 32; Rev. Ords. 1946, ch. 26, § 41)

Cross reference—Public service engineer, § 2-233.

Sec. 23-111. Approval of poles for fire alarm and police signal wire.

No poles to carry any fire alarm or police signal wire shall be erected in any street or other public way or place in the city, until the type and location thereof shall have been first approved by said engineer. (Ord. 1915, ch. 106, § 2; Rev. Ords. 1946, ch. 26, § 5)

Sec. 23-112. Approval of location of wires aboveground required.

All wires hereafter erected, when placed above the surface of the ground, shall be located upon such portion of the highway and suspended from such supports and attachments as shall be approved by the public service engineer. (Ord. 1914, ch. 64, § 11; Rev. Ords. 1946, ch. 26, § 19)

Sec. 23-113. Changes in location of poles, structures supporting wires.

Changes in the location of any pole or other fixture or structure supporting electric wires, if for public necessity, shall be made from time to time at the expense of the person owning the same, when directed by the public service engineer. (Ord. 1914, ch. 64, § 11; Rev. Ords. 1946, ch. 26, § 20)

Sec. 23-114. Removal of poles in case of emergency.

Any poles, wires and cables erected or maintained pursuant to the authority of this article in case of public necessity by reason of fire, may be cut and removed by the officers, agents or servants of the city acting in the performance of their duty, without notice and without any claim for damages therefor on the part of the company, corporation or person owning or using such poles, wires or cables. (Ord. 1914, ch. 64, § 9; Rev. Ords. 1946, ch. 26, § 17)

Sec. 23-115. Renewing, resetting or relocating poles.

Except in cases of accident or emergency reasonably requiring immediate action, no pole shall be renewed, reset or

relocated by any public service company, corporation or person, in any street or other public place in the city, until after notice thereof shall have been given to the public service engineer, and the location thereof or any proposed new location thereof shall have been inspected by said engineer on the ground, and until after said engineer shall have approved the renewing, resetting or relocating the same as reasonably required for the purpose of the same, and also the then location or the proposed new location thereof. In case he shall approve renewing or resetting the same but not in the proposed existing location, he shall designate a place for a new location thereof. (Ord. 1914, ch. 64, § 12; Rev. Ords. 1946, ch. 26, § 22)

Sec. 23-116. Marking and painting poles.

All poles used for supporting or carrying electric wires, cables, or fixtures, now or hereafter erected in any street or other public place in the city, shall be branded or otherwise marked and kept branded or marked in a legible manner, with the name or name initials of the public service company, corporation or person owning the same, to the satisfaction of the public service engineer. All such poles and all brackets attached thereto when erected in any such street, way or place shall be painted with at least two coats of paint of such particular color or colors as shall be first approved by said engineer; and all such poles and brackets now or hereafter erected therein shall at all times be kept properly painted to the satisfaction of said engineer, and upon the repainting of any such poles and brackets the same shall be painted with paint of such particular color or colors as shall be first approved by said engineer. (Ord. 1914, ch. 64, § 12; Rev. Ords. 1946, ch. 26, § 21)

Sec. 23-117. Installation of high-tension wires.

All main electric light, heat and power wires, when placed above the surface of the ground, shall be suspended from poles provided and maintained by the person or corporation using the same. Such poles shall not exceed thirty (30) feet

in height from the ground, except where otherwise permitted by the public service engineer; and the lowest line of wire thereon shall be suspended not less than twenty (20) feet from the ground, except where otherwise permitted by said engineer. The poles shall be so placed that the wires shall cross streets at right angles, wherever practicable. In power circuits for railroad purposes, absolute and approved cutout boxes and cutout switches shall be put in and maintained at such points thereon as may be designated by said engineer. (Ord. 1914, ch. 64, § 13; Rev. Ords. 1946, ch. 26, § 23)

Sec. 23-118. Insulation of high-tension wires.

All high-tension wires, when attached to the exterior walls of buildings, shall be supported on glass or porcelain insulators on iron brackets, and insulated to keep the wires well apart and safe from contact with wood, brick, metal or other parts of buildings. (Ord. 1914, ch. 64, § 14; Rev. Ords. 1946, ch. 26, § 24)

Sec. 23-119. Insulation of machinery; tests of circuits.

A machine generating electric current to be used for light or heat shall be insulated from electrical communication with the earth, and the wires shall be covered with proper insulating material throughout their entire length. Tests shall be made on each circuit operated to detect defects; and a record thereof shall be made by all persons operating such circuits, which record shall be open to the inspection of the public service engineer. (Ord. 1914, ch. 64, § 15; Rev. Ords. 1946, ch. 26, § 25)

Sec. 23-120. Clearance of arc lamps over sidewalks.

All arc lamps overhanging sidewalks must be so placed as to leave a space of eight (8) feet clear between the lamp and sidewalk, unless specially insulated in a manner approved by the public service engineer. (Ord. 1914, ch. 64, § 16; Rev. Ords. 1946, ch. 26, § 26)

Sec. 23-121. Clearance of wires over buildings.

All wires for conducting currents of electricity, when carried over buildings, shall be placed at least seven (7) feet above the highest point of flat main roofs, and eight (8) inches above the ridge of pitch roofs. (Ord. 1914, ch. 64, § 19; Rev. Ords. 1946, ch. 26, § 27)

Sec. 23-122. Safety device required on low-tension wires entering buildings.

All telegraph, telephone, signal, district messenger and other low-tension wires entering buildings, shall be provided with a suitable safety device, satisfactory to the public service engineer, that will prevent the passage over them of a current of electricity greater than the service, for which such wires are used, demands. Such device shall be located at such point in the circuit as the public service engineer shall direct, and, if possible, it shall be placed where the wires enter and leave the building. (Ord. 1914, ch. 64, § 20; Rev. Ords. 1946, ch. 26, § 28)

Sec. 23-123. Lines, poles, fixtures, appurtenances to be kept in repair.

Every line, pole, fixture and its appurtenances, must be kept in thorough order and repair, and in conformity with this article. (Ord. 1914, ch. 64, § 23; Rev. Ords. 1946, ch. 26, § 31)

Sec. 23-124. Duty to keep installations in safe repair and condition.

Every public service company, corporation or person placing, constructing, using or maintaining any poles, conduits, subways, manholes, pipes, wires, cables or other electrical or gas fixtures or appurtenances in, on, over, across or under any street or other public place, on any estate or building in the city, or suffering or permitting the same to be so placed, constructed, used or maintained, shall cause the same to be kept in proper and safe repair and condition. Whenever any of the same are defective for any reason or

out of repair, or when the use thereof has been abandoned, or when otherwise unsafe in any particular or dangerous to persons or property, the public service engineer upon having knowledge thereof shall order any person responsible therefor as aforesaid to forthwith make such repairs, renewals or changes of the same as will put the same in proper and safe condition, or to remove the same when the use thereof has been abandoned. (Ord. 1914, ch. 64, § 21; Rev. Ords. 1946, ch. 26, § 29)

Sec. 23-125. Inspection of apparatus, equipment, use thereof; notice, report of irregularities.

It shall be the duty of the public service engineer to inspect and see, or cause to be inspected and seen, that all poles, wires, cables, conduits, subways, manholes, pipes and other electrical and gas fixtures, apparatus, appliances and appurtenances, now or hereafter located, placed, constructed, used or maintained in, on, over, across or under the streets and other public places in the city, are located, placed, constructed, used and maintained in a proper and safe manner and condition, and in accordance with the terms and conditions of the grants or permissions for the same, and of any agreement or contracts with the city relative thereto, and of the provisions of this article, and of all laws, ordinances, rules and regulations pertaining thereto. In case of any failure by any public service company, corporation, or person to so locate, place, construct, use and maintain the same, he shall forthwith give notice thereof to the party concerned, and if the latter does not within a reasonable time observe and perform all such laws, ordinances, rules, regulations, terms and conditions, and all requirements to locate, place, construct, use and maintain the same in proper and safe manner and condition, said engineer shall make report thereof to the city council. (Ord. 1915, ch. 106, § 3; Rev. Ords. 1946, ch. 26, § 6)

Sec. 23-126. Investigation, report of complaints to council.

It shall be the duty of the public service engineer to investigate any and all complaints or other matters referred to him

by the city council or any committee thereof, particularly relative to any public service companies or any agreements or contracts of any public service companies with the city and the manner of the observance or performance of the terms or conditions thereof by such companies respectively, and to report thereon to the city council or such committee; and without such reference in his discretion he may investigate as to any complaints received by him relative thereto, and may in any case deemed by him of sufficient importance, report thereon to the city council or any appropriate committee thereof. In general he shall inspect and see or cause to be inspected and seen whether the public service companies, corporations and persons, having any fixtures or property located in any streets of the city are observing and performing the terms, conditions and obligations of or incident to their respective grants or franchises, their respective agreements or contracts with the city, the provisions of this article and all laws, ordinances, rules and regulations pertaining thereto, and in case of any failure to comply therewith he shall forthwith give notice thereof to the parties concerned, and if the latter do not within a reasonable time observe and perform the same, he shall make report thereof to the city council or any appropriate committee thereof. (Ord. 1915, ch. 106, § 3; Rev. Ords. 1946, ch. 26, § 7)

Sec. 23-127. Refusal, neglect to comply with orders, directions of public service engineer.

In case any person after forty-eight (48) hours' notice, shall refuse or neglect to comply with any order or direction of the public service engineer, made under the provisions of this article, or to furnish information in relation to the wires or appurtenances of such person when requested, then said engineer shall cause any such wires or appurtenances that are defective or out of repair, or the use of which has been abandoned, or which are otherwise unsafe in any particular, or dangerous to persons or property, to be forthwith removed. Said engineer shall certify the amount of the expense of any such removal to the city solicitor, who shall take any proper legal action in behalf of said city to collect said expense from

the person or corporation which refused or neglected to comply with such order. (Ord. 1914, ch. 64, § 22; Rev. Ords. 1946, ch. 26, § 30)

Sec. 23-128. Installation of underground conduits.

(a) *Opening, encumbering street, way.* Relative to the installation of any line of underground conduits in any street or other traveled way in the city, no greater length of such street or way shall be opened and left dug up in the prosecution of the work than is approved in each case by the director of public works. Any person in prosecuting such work shall not use or encumber any greater width of any such street or way to the detriment of public travel therein than is necessary, nor greater than is approved by said director in each case.

(b) *Barriers and safeguards.* Such person shall take all necessary precautions and install all necessary barriers and safeguards, and such as may be ordered by said director to be taken or installed, to guard against accidents and to protect the public in using any parts of such street or way not included in the place of the work.

(c) *Location.* All conduits and other underground work in any such street or way shall not be for any reason located in any other places therein than designated by said director, and if in the prosecution of the work any obstruction shall be met or practical difficulty shall arise as to so locating the same, notice thereof shall be at once given by such person to said director, and his further direction as to the location thereof shall be observed. (Ord. 1914, ch. 64, § 26; Rev. Ords. 1946, ch. 26, § 34)

Sec. 23-129. Service connections for underground conduits, distribution ducts.

All service connections with underground conduits and distribution ducts shall be made from underground. (Ord. 1914, ch. 64, § 26; Rev. Ords. 1946, ch. 26, § 35)

Sec. 23-130. Restoration of streets and sidewalks, other ways.

(a) *Duty.* All roadways and sidewalks in any streets or other traveled ways in the city, or any part thereof, which shall be opened or dug up by any person in the prosecution of any of his work, including inspection work, performed pursuant to the provisions of this article, shall be restored by such person at his expense to at least as good repair and condition as the same were when so opened or dug up, and in every case to sound and safe condition, and to the satisfaction of the public service engineer and director of public works. Every such restoration intended to be permanent shall be done as soon as it can be properly done, and in any case as soon as practicable after direction of said engineer or said director to permanently restore the same. Every place so opened or dug up, where the ground shall settle or the surface or pavement shall become broken or disintegrated, shall be further repaired and restored and maintained in sound and safe condition for a period of five (5) years from the time such ground was opened or dug up, to the satisfaction of said engineer and said director.

(b) *Effect of noncompliance.* If in any case such person shall not do so, said director, after giving such person five (5) days' notice in writing so to do, may cause any such work not then done to his satisfaction to be done, and shall charge the expense thereof to such person, and such person shall pay the same to the city within thirty (30) days after written notice of the amount of such expense shall be given such person by said director. Said director may cause any such work of opening or restoring the ground to be supervised or inspected by any servants or agents of the city, and such person shall pay the city the cost of any such supervision or inspection within thirty (30) days after written notice of the amount of such cost shall be given such person by said director. (Ord. 1914, ch. 64, § 25; Rev. Ords. 1946, ch. 26, § 33)

Sec. 23-131. Protection of city property from electrolysis.

Reasonable provision shall be made and maintained by every person conducting electricity by means of any wires

or rails in any streets in the city to protect the pipes, conduits and other property in the streets belonging to the city from any damage by electrolysis caused by the current of electricity of such person; and such person shall pay to the city the amounts of all damages suffered by it from electrolysis caused as aforesaid, but this provision for payment shall not prejudice any legal or equitable rights or defenses of the city or such person. (Ord. 1914, ch. 64, § 27; Rev. Ords. 1946, ch. 26, § 36)

Sec. 23-132. Examinations, tests and reports as to electrolysis.

The public service engineer is hereby empowered to make, and shall from time to time, and whenever requested by the director of public works, make examinations and tests to determine whether any pipes, conduits or other property of the city in the streets or other public ways or places are being damaged by electrolysis, and if so the source of the current causing the damage. Upon determining any such damage or the source thereof, he shall forthwith make report of the same to the director of public works, and give notice thereof to any public service company, corporation or person concerned. If he shall at any time discover that any rails or return ground wires are so deficient in continuity or conductivity as to cause or to be liable to cause damage by electrolysis to any fixture or property in any street or other public way or place, he shall forthwith make report and give notice thereof as aforesaid. (Ord. 1914, ch. 64, § 28; Rev. Ords. 1946, ch. 26, § 37)

Sec. 23-133. Tests and examinations of character of product of public service companies.

(a) *Duty.* The public service engineer is hereby empowered to make, and from time to time shall make, examinations and tests to determine, and shall determine the quality, pressure, voltage and character of the product furnished in the city by public service companies supplying currents of electricity or gas for light, heat or power.

(b) *Right of access.* He and any assistant authorized by him shall have access at any reasonable time or times to any

and all buildings, conduits, manholes, subways, poles, lamps, wires, pipes, apparatus and machinery in the city of any public service company for the purpose of making any examination or test of the same to determine the safety thereof or the service rendered by means thereof, or in the discharge of any other of his official duties, and in such manner as not unreasonably to interfere with the proper and safe operation of such equipment, apparatus or appliances, provided he or such assistant before entering any such manhole, conduit or subway of any such company shall notify it of such intention, in order that a representative of such company may be present. (Ord. 1914, ch. 64, § 30; Rev. Ords. 1946, ch. 26, § 39)

Sec. 23-134. Tests and examinations of safety of installations.

The public service engineer shall have access at any reasonable time or times to all subways, conduits and manholes in or under any street or traveled way in the city, and to the wires, cables, pipes, fixtures and appurtenances therein of any person, for the purpose of making any examination or test of the same to determine the safety thereof, and for the purposes hereof, the provisions of section 23-133 shall apply. (Ord. 1914, ch. 64, § 30; Rev. Ords. 1946, ch. 26, § 39)

Sec. 23-135. Authority to order electric current to be shut off.

The public service engineer shall have authority at any time, when in his opinion the public safety requires it, to require any public service company, corporation or person owning, operating or using any wire within the city to shut off the electric current therefrom for such period of time as he may deem necessary, without such engineer or the city being liable for any damage caused to any such company, corporation or person thereby. (Ord. 1914, ch. 64, § 31; Rev. Ords. 1946, ch. 26, § 40)

Sec. 23-136. Authority of public service engineer over city lights.

The public service engineer, acting under the advice and direction of the committee on public works, shall have the

general control and supervision of all public lights used by the city for illuminating its streets, highways, parks and public places. He shall keep himself acquainted with the condition of all public lights, cause the same to be regularly inspected and keep such a record relating to the public lights as shall be prescribed by said committee. (Ord. 1914, ch. 49, § 16; Rev. Ords. 1946, ch. 26, § 44)

Sec. 23-137. Causing city lights to be set up.

The public service engineer, subject to the approval of the committee on public works, shall cause to be set up such and so many lights in the streets, highways, parks and public places in the city, for the purpose of lighting the same as the committee shall, from time to time, determine to be necessary. (Ord. 1914, ch. 49, § 18; Rev. Ords. 1946, ch. 26, § 48)

Sec. 23-138. Schedule for lighting, extinguishing city lights.

The public service engineer shall prepare a time schedule for lighting and extinguishing the public lights of the city, see that such schedule is enforced and perform or cause to be performed such duties in connection with superintending the work of lighting the streets, highways, parks and public places in the city as shall, from time to time, be prescribed by the committee on public works or by the city council. (Ord. 1914, ch. 49, § 16; Rev. Ords. 1946, ch. 26, § 45)

Sec. 23-139. Duty as to city lights found not burning.

The chief of police is hereby directed to cause the daily report of city street lights found "out" with the hour and location of such "outs," to be forwarded to the office of the public service engineer daily, and said public service engineer shall deduct or cause to be deducted from the bills for street lighting the number of hours of outages of public lights, so reported by the police department, from the monthly bills for public lights before the same are presented to said committee on public works for approval. (Ord. 1914, ch. 49, § 17; Rev. Ords. 1946, ch. 26, § 46)

Sec. 23-140. Certifying bills for city.

It shall be the duty of the public service engineer to certify all bills incurred for lighting the city streets, highways, parks and public places, on or before the fifteenth day of each calendar month to said committee on public works, and it shall be the duty of said committee to meet on or before the fifteenth day of each month for the approval or disapproval of said bills for such lighting. (Ord. 1914, ch. 49, § 17; Rev. Ords. 1946, ch. 26, § 47)

Sec. 23-141. Identification of persons erecting or repairing wires, appurtenances.

No person shall labor upon the work of erecting or repairing any electrical wires or appurtenances, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the owner thereof, by whom he is employed, and a number by which he can be readily identified; and no person shall labor upon any electrical wires or appurtenances for any person under the protection of a badge issued to him as an employee of any other corporation. (Ord. 1914, ch. 64, § 24; Rev. Ords. 1946, ch. 26, § 32)

Sec. 23-142. Public service engineer to keep maps showing locations of installations.

The public service engineer shall keep in his office a map accurately showing the location of all poles, conduits, subways, manholes and pipes, indicating or stating thereon or on papers annexed thereto the general if not particular locations and substantially the number of all wires and cables, in, over, across or under the streets and other public ways and places in the city, including parks and playgrounds of the city, and of all such wires and cables over buildings in the city, and also a record of the names of the owners of each and all of the same. (Ord. 1914, ch. 64, § 33; Rev. Ords. 1946, ch. 26, § 42)

Sec. 23-143. Public service engineer to keep records of examinations, tests, orders, work; reports.

The public service engineer shall, in books of the city to be kept in his office, make a record of all examinations, tests

and determinations made by him, of all orders given by him and of his general work and doings, and shall make such reports thereof in writing to the director of public works as may be requested by the director. (Ord. 1915, ch. 106, § 4; Rev. Ords. 1946, ch. 26, § 43)

Secs. 23-144—23-153. Reserved.

Article VI. Bridges*

Sec. 23-154. Weight of vehicles on bridges.

No person shall drive or cause to be driven any vehicle upon or across any existing bridge in the city, the gross weight of which vehicle including the load exceeds thirty thousand (30,000) pounds. (Ord. 1927, ch. 579, § 1; Rev. Ords. 1946, ch. 33, §§ 24, 30, 31)

Sec. 23-155. Speed on bridges.

No person shall drive or conduct, or suffer to be driven or conducted, while under his care or control, any horse or other animal, automobile or other vehicle over any portion of the draw of any existing bridge in the city at a rate faster than that fixed by the director of public works. (Ord. 1914, ch. 10, §§ 1, 13; Rev. Ords. 1946, ch. 33, §§ 12, 25)

State law reference—Council authorized to regulate speed of driving animals over bridges, § 45-6-1, Gen. Laws 1956.

Sec. 23-156. Use of horn, siren to indicate opening and closing draw.

The officer or person in charge of the draw of any existing bridge in the city shall cause a horn or siren upon said bridge

*Cross reference—Regulation of harbor, harbor lines, etc., § 11-1 et seq.

State law references—Special act authorizing city to build bridge across Providence River, P. L. 1868, ch. 772, as amended by P. L. 1870, ch. 880; regulation of bridges generally, ch. 24-8, Gen. Laws 1956; provisions exempting Red Bridge from operation of ch. 24-8, Gen. Laws 1956, which regulates bridges generally, § 24-8-30, Gen. Laws 1956; special act authorizing construction of bridge upon site of "Red Bridge," P. L. 1894, ch. 1332; special act authorizing construction of bridge near site of Providence Washington Bridge, P. L. 1883, ch. 349.

to be sounded three (3) times immediately before closing the gates and opening the draw as a signal that no vehicle or person shall go upon the draw in said bridge, and shall cause said horn or siren to be sounded once immediately after closing said draw and opening the gates, as a signal that travel over said bridge may be resumed. (Ord. 1914, ch. 10, § 2; Rev. Ords. 1946, ch. 33, § 13)

Sec. 23-157. Driving on bridge after signal for opening.

No person unless he is within the gates, shall drive or suffer to be driven upon the draw of any existing bridge in the city, any animal or vehicle, nor shall any person enter within the gates upon such bridge after the horn or siren has been sounded three (3) times as a signal that the gates are to be closed and said draw to be opened, until after said horn or siren has been sounded once as a signal that said draw is closed and the gates open. (Ord. 1914, ch. 10, §§ 3, 14; Rev. Ords. 1946, ch. 33, §§ 14, 26)

Sec. 23-158. Remaining on bridge unnecessarily.

No person, except the harbor master, police and the persons in charge of or employed on a bridge in the city, shall be or remain upon such bridge for any longer time than may be necessary to cross the same. (Ord. 1914, ch. 10, §§ 4, 15; Rev. Ords. 1946, ch. 33, §§ 15, 27)

Sec. 23-159. Signal required when draw cannot be opened.

If from any cause the draw of a bridge cannot be opened when signaled so to do by any craft desiring to pass through, the person in charge of said draw shall signal said craft to stop by waving a red flag in the daytime and a red lantern at night. (Ord. 1914, ch. 10, § 11; Rev. Ords. 1946, ch. 33, § 22)

Sec. 23-160. Signals to be given by vessels.

The captain or person in charge of any craft desiring to pass through the draw of an existing bridge shall give notice thereof; if a steamer, by three (3) distinct blasts upon a horn, within hearing distance, and at sufficient distance from said

bridge to give the person in charge time to clear the draw of vehicles and pedestrians and to open the same. (Ord. 1914, ch. 10, § 5; Rev. Ords. 1946, ch. 33, § 16)

Sec. 23-161. Vessels to take right-hand passage through draw of bridge.

Unless otherwise directed by the superintendent of bridges, whenever practicable, all crafts passing up the river through the draw of a bridge shall use the easterly opening thereof, and craft passing down the river through said draw shall use the westerly opening. (Ord. 1914, ch. 10, § 6; Rev. Ords. 1946, ch. 33, § 17)

Sec. 23-162. Vessels not to pass abreast through draw-opening.

In no case shall two (2) or more barges, two (2) or more vessels or two (2) or more craft of any kind, except single craft alongside of, and in tow of a single towboat, pass through or attempt to pass abreast through the draw-opening of any bridge except with the approval of the harbor master. Ord. 1914, ch. 10, §§ 7, 16; Rev. Ords. 1946, ch. 33, §§ 18, 28)

Sec. 23-163. Speed of vessels through draw-opening.

No craft of any kind shall pass through the draw of a bridge at a greater rate of speed than five (5) miles per hour. (Ord. 1914, ch. 10, § 8; Rev. Ords. 1946, ch. 33, § 19)

Sec. 23-164. Opening bridge for licensed vessels only.

The person in charge of a drawbridge shall not be required to open the draw of said bridge for the passage of any craft which have not been duly licensed by the United States Government except at such times when in the judgment of the person in charge such openings will cause little or no interruption to public travel over said bridge. (Ord. 1914, ch. 10, § 9; Rev. Ords. 1946, ch. 33, § 20)

Sec. 23-165. Sailing vessels permitted ten minutes to pass through draw.

In no case shall the person in charge of a drawbridge open the draw of said bridge for any sailing vessel without tow to pass through against the tide and wind, when in the judgment of said person the passage of said vessel is liable to occupy more than ten (10) minutes' time. (Ord. 1914, ch. 10, § 10; Rev. Ords. 1946, ch. 33, § 21)

Sec. 23-166. Obstructing persons in charge; injuring or defacing, making fast to bridge.

It shall be unlawful for any person willfully to obstruct the person in charge of a drawbridge in the performance of his duty, to injure or deface said bridge or any of its appurtenances, to open or obstruct said draw except by the direction or consent of the person in charge, or to make fast or moor to said bridge or pile, any craft. Any person who shall violate this section shall be deemed guilty of an offense punishable as provided in section 1-10, and shall also be liable to the city in damages. (Ord. 1914, ch. 10, §§ 12, 17; Rev. Ords. 1946, ch. 33, §§ 23, 29)

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Chapter 24

VEHICLES FOR HIRE*

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*Charter references—Powers of city, § 2.1 et seq.; bureau of licenses, § 5.35 et seq.

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State law references—Operation of vehicles as taxicabs and protection of taxicab passengers, ch. 39-14, Gen. Laws 1956; scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

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Article I. In General

Sec. 24-1. Meaning of "hackney carriage".

Every vehicle drawn by one or more horses, and every automobile, motor car or other power-driven vehicle (except railroad and railway cars and motor vehicles running upon rails or tracks), which shall be set up, used or driven in the city, for the conveyance of persons for hire shall be deemed

a hackney carriage within the meaning of this chapter. Nothing herein contained shall include or affect any of the provisions of sections 24-47 through 24-86 providing for the licensing of motor buses and regulating the operation thereof in the city, or any ordinance in amendment thereof. (Ord. 1914, ch. 24, § 2; Ord. 1921, ch. 304, § 2; Rev. Ords. 1946, ch. 34, § 1)

Sec. 24-2. Authority to issue licenses for operators and drivers.

The bureau of licenses of the city, from time to time, may grant to any person deemed by it suitable, licenses to set up or use hackney carriages or other vehicles for the conveyance of persons or things for hire within said city, and also licenses to drive or have charge of such vehicles, and shall grant the licenses for the other vehicles required to be licensed under the provisions of this chapter. (Ord. 1927, ch. 583, § 1; Rev. Ords. 1946, ch. 34, § 2)

State law reference—Operators' licenses, § 39-14-20, Gen. Laws 1956.

Sec. 24-3. Licenses required.

No person shall set up, use or drive any hackney carriage or any other vehicle for the conveyance of persons or things for hire within the city without a license therefor. No person shall drive or have charge of any such vehicle within the city without a driver's license first had and obtained. (Ord. 1921, ch. 304, § 3; Rev. Ords. 1946, ch. 34, § 3)

Sec. 24-4. Contents of application for license.

The application for a license for any automobile, motor car or power-driven vehicle used as a hackney carriage or vehicle for hire shall state the name and place of residence of the applicant, a full description of the vehicle to be used, the name of the maker, kind of motive power and the amount thereof stated in figures of horsepower, and the number of the engine, if any. (Ord. 1921, ch. 304, § 4; Rev. Ords. 1946, ch. 34, § 7)

Sec. 24-5. Restrictions upon issuance of license.

No license hereunder shall be issued to any person who is not at least twenty-one (21) years of age, and a citizen residing in this state, or to any person who has been convicted of any indictable offense within a period of three (3) years. The bureau of licenses shall not license any person to operate or drive any hackney carriage or other vehicle for hire who is unable to converse intelligibly in the English language. (Ord. 1927, ch. 583, § 1; Rev. Ords. 1946, ch. 34, § 4)

Sec. 24-6. Issuance of licenses, collection of fees therefor.

The bureau of licenses shall issue all licenses to operate hackney carriages and other vehicles for hire, and shall collect the license fees therefor. (Ord. 1927, § 583, § 1; Rev. Ords. 1946, ch. 34, § 5)

Sec. 24-7. License fees.

(a) *Vehicles.* For every license granted for vehicles used for the conveyance of persons or things for hire, there shall be paid the sum of two dollars ($2.00), provided, that for every license so granted for automobiles, motor cars or other power-driven vehicles (except raliroad and railway cars and motor vehicles running only upon rails or tracks), used for the conveyance of passengers for hire, there shall be paid the sum of ten dollars ($10.00).

(b) *Drivers.* For every license so granted to persons to drive and have charge of any vehicle for hire, there shall be paid the sum of one dollar ($1.00). (Ord. 1921, ch. 304, § 4; Rev. Ords. 1946, ch. 34, § 6)

State law reference—Special act authorizing city council to establish system of fees for granting or issuing licenses and permits, P. L. 1922, ch. 2241.

Sec. 24-8. Duration of license.

All licenses for hackney carriages or other vehicles for hire, and all licenses issued to the drivers thereof, shall expire on the first Monday of July next following the date of issuance thereof. (Ord. 1921, ch. 304, § 5; Rev. Ords. 1946, ch. 34, § 8)

Sec. 24-9. Transfer of license.

No license for a hackney carriage or other vehicle for hire shall be sold, assigned or transferred without the consent of the bureau of licenses endorsed thereon, unless a new license is issued in the place or stead thereof. (Ord. 1921, ch. 304, § 5; Rev. Ords. 1946, ch. 34, § 8)

Sec. 24-10. Suspension or revocation of license.

The bureau of licenses may suspend or revoke, for cause, after hearing, any license for a hackney carriage or other vehicle for hire, and any license of a driver of such vehicle, suspensions to be for such period of time as said department shall deem necessary for the public good and welfare. (Ord. 1921, ch. 304, § 5; Rev. Ords. 1946, ch. 34, § 8)

Sec. 24-11. Records of licenses to be kept.

The bureau of licenses shall keep a full and complete record of the name and place of residence of the owner of each licensed vehicle for hire, with the number and description of such vehicle, and the name and place of residence of each person licensed by them to drive or have charge thereof. (Ord. 1927, ch. 583, § 1; Rev. Ords. 1946, ch. 34, § 5)

Sec. 24-12. Vehicle to display distinguishing mark, license number.

Every hackney carriage or other vehicle for hire as defined in this chapter shall display such a distinguishing mark and the license number thereof in such manner as may be prescribed from time to time by the bureau of licenses. (Ord. 1928, ch. 601, § 1; Rev. Ords. 1946, ch. 34, § 10)

State law reference—Owner's name to be displayed on each side of rear doors, § 39-14-17, Gen. Laws 1956.

Sec. 24-13. Identity cards to be placed in conspicuous place in vehicles.

The name of the owner and the number of the license, together with the rates of fare, shall be placed on a card in

all hackney carriages and other vehicles for hire in the most conspicuous place for the information of passengers. (Ord. 1928, ch. 601, § 1; Rev. Ords. 1946, ch. 34, § 11)

State law reference—Display of licenses, rates, §§ 39-14-15, 39-14-16, Gen. Laws 1956.

Sec. 24-14. Exceptions to requirements of section 24-13.

The provisions of section 24-13 relative to displaying cards shall not apply to a vehicle exclusively rented for funerals or weddings or to a vehicle the exclusive use of which is rented to one person for a consecutive period of at least one month; provided however, that the owner of any such vehicle for hire shall satisfy the superintendent of vehicles that such vehicle is to be used only as aforesaid and shall obtain his permission to use said vehicle without displaying said cards. (Ord. 1928, ch. 601, § 1; Rev. Ords. 1946, ch. 34, § 12)

Sec. 24-15. Soliciting conveyance of passengers, baggage, merchandise, restricted.

No person other than the owner or driver of a licensed hackney carriage or other licensed vehicle for hire shall solicit passengers, baggage or merchandise, to be conveyed for hire, within the city. (Ord. 1914, ch. 24, § 9; Rev. Ords. 1946, ch. 34, § 15)

Sec. 24-16. Use of taxicab stands.

All designated taxicab stands on the public highways within the city now or hereafter so designated, shall be open for the use of any taxicab licensed by the bureau of licenses of the city. (Ord. 1965, ch. 1722, § 1)

Sec. 24-17. Conveyance of trunks.

No owner, driver or other person having charge of any automobile, motor car or power vehicle for the conveyance of persons shall be required to convey with any passenger any trunk. (Ord. 1914, ch. 25, § 2; Rev. Ords. 1946, ch. 34, § 28)

Sec. 24-18. Licensing vehicles for conveyance of merchandise, other materials.

Every truck, wagon, dray, cart and handcart or other vehicle which shall be used within the city for the conveyance within the city of wood, coal, lumber, stone, brick, sand, gravel, clay, dirt, rubbish, goods, wares, merchandise, furniture, building materials, or any other article or thing, shall be licensed, and shall have placed upon the outside of each side of the same the number of its license in plain, legible figures of not less than one and one-half (1½) inches in size, and in such manner that the same may be distinctly seen. No person shall use any such vehicle without being licensed, nor without having the number so placed, as aforesaid. (Ord. 1914, ch. 24, § 2; Rev. Ords. 1946, ch. 34, § 14)

Sec. 24-19. Compliance with provisions required.

No owner or driver of any hackney carriage or other vehicle for hire shall use or drive any such vehicle, or permit the same to be used or driven, without complying with each and all of the provisions of this article, except those provisions which by their nature do not apply. (Ord. 1928, ch. 601, § 1; Rev. Ords. 1946, ch. 34, § 13)

Sec. 24-20. Responsibility for violations.

The person in whose name a license is taken out shall, for all the purposes of this chapter, be considered as the owner of the vehicle licensed as a hackney carriage or other vehicle for hire, and, for any violation of this chapter, shall be liable to all the fines, forfeitures and penalties prescribed, until, upon the sale or other disposition of the vehicle licensed, notice thereof be given to the department of public safety, and the license delivered to it. (Ord. 1915, ch. 96, § 5; Rev. Ords. 1946, ch. 34, § 9)

Secs. 24-21—24-29. Reserved.

Article II. Rates and Charges*

Sec. 24-30. Nonpower-driven vehicles—Generally.

The prices or rates of fare to be taken by or paid to the owner, driver or other person having charge of any hackney carriage, as defined in section 24-1, except omnibuses, automobiles, motor cars and other power-driven vehicles, shall be as follows:

(a) *Mileage.* For carrying a passenger from one place to another within the limits of the city, if not exceeding one mile, fifty cents ($0.50), and for each additional mile or fraction of a mile, twenty-five cents ($0.25), and all distances shall be computed by straight lines on the map of the city. Every such owner, driver or other person having charge of such hackney carriage shall at all times when using such carriage keep in said carriage a copy of said map, which shall be exhibited on demand.

(b) *Children.* For children between four (4) and twelve (12) years of age, if more than one, or if accompanied by an adult, half price only is to be charged for such a child; and for children under four (4) years of age, when accompanied by their parents or any adult, no charge is to be made. (Ord. 1914, ch. 25, § 1; Rev. Ords. 1946, ch. 34, §§ 16—18)

Sec. 24-31. Same—Fare by hour.

Whenever vehicles as described in section 24-30 are hired by the hour, the price or rate of fare shall be two dollars ($2.00) for the first hour, and one dollar and fifty cents ($1.50) for each subsequent hour that such carriage is employed. (Ord. 1914, ch. 25, § 1; Rev. Ords. 1946, ch. 34, § 20)

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*Charter reference—Bureau of licenses, § 5.35 et seq.
Cross reference—Superintendent of vehicles to have general authority over vehicles required to be licensed, § 2-220.
State law reference—Display of license, rates, §§ 39-14-15, 39-14-16, Gen. Laws 1956.

Sec. 24-32. Same—Refusal to carry when fare tendered.

No owner, driver or other person having charge of any carriage vehicle as described in section 24-30 shall neglect or refuse the application of any person for conveyance in his carriage, if such carriage be not entirely occupied at the time of making such application, and the legal fare be tendered if demanded. Every person so neglecting or refusing shall be guilty of an offense punishable as provided in section 1-10, and shall also be liable to forfeiture of his license. (Ord. 1914, ch. 25, § 1; Rev. Ords. 1946, ch. 34, § 19)

Sec. 24-33. Power-driven vehicles—Generally.

The prices or rates of fare to be taken by or paid to the owner, driver or other person having charge of any automobile, motor car or other power-driven vehicle (except railroad and railway cars and motor vehicles running only upon rails or tracks), which is set up, used or driven within the city for the conveyance of persons for hire, shall be as follows:

(a) *Mileage.* For carrying from one place to another within the limits of the city, one passenger not exceeding one mile, fifty cents ($0.50), and for each additional quarter (¼) mile or fractional part thereof, ten cents ($0.10); and for all additional passengers, ten cents ($0.10) each, irrespective of the distance carried.

(b) *Parties.* The fare for the conveyance of one (1) to four (4) passengers inclusive to weddings, parties or theatres and return shall not exceed three dollars ($3.00).

(c) *Waiting time.* If any such automobile, motor car or power vehicle is kept waiting, the charge for such wait shall not exceed the rate of one dollar ($1.00) per hour. (Ord. 1914, ch. 25, § 2; Rev. Ords. 1946, ch. 34, §§ 21, 22, 26, 27)

Sec. 24-34. Same—Fare by hour.

Whenever any automobile, motor car or power vehicle as described in section 24-33 is hired by the hour for the con-

veyance of any person, the fare shall not exceed three dollars ($3.00) for the first hour, and two dollars ($2.00) for each subsequent hour and pro rata for any fractional part of each subsequent hour that the same is employed. (Ord. 1914, ch. 25, § 2; Rev. Ords. 1946, ch. 34, § 23)

Sec. 24-35. Same—Charge for going to place where ordered.

No charge shall be made for an automobile, motor car or power vehicle as described in section 24-33, while going unoccupied between the garage or public stand and the place ordered, unless the distance is more than two (2) miles, and the charge shall not exceed twenty cents ($0.20) for each mile of such distance in excess of two (2) miles, or fractional part thereof. (Ord. 1914, ch. 25, § 2; Rev. Ords. 1946, ch. 34, § 25)

Sec. 24-36. Computation of distances in determining fares.

All distances applicable in the determination of fares shall be computed by straight lines on the map of the city. (Ord. 1914, ch. 25, § 2; Rev. Ords. 1946, ch. 34, § 24)

Secs. 24-37—24-46. Reserved.

Article III. Motor Buses*

Sec. 24-47. License required.

(a) No person shall engage in the business of transporting in the city passengers for hire by means of any motor vehicle, not running on tracks or rails, and operated for the purpose

*Annotation—Regulation of vehicular traffic in crowded streets of city for purpose of promoting safety and convenience of people using those streets presents proper subject for exercise of police power. **Fritz v. Presbrey, 44 R.I. 207, 116 A. 419, 422.**

Whether policy of city council in regulating buses presents best scheme of regulation is not a judicial question. **Fritz v. Presbrey, 44 R.I. 207, 116 A. 419, 422.** Complaints should not be granted injunction, permanent or temporary, until they have established unmistakably that regulating buses by council constitutes arbitrary exercise of power, or that its provisions have no reasonable relation to promotion of safety and convenience of public, as whole, in its use of highways within prescribed area. **Fritz v. Presbrey, 44 R.I. 207, 116 A. 419, 422.**

Charter reference—Bureau of licenses, § 5.35 et seq.

Cross references—Bus lanes, § 15-54 et seq.; smoking on buses, § 16-14.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; regulation of motor and other vehicles, Title 31, Gen. Laws 1956.

of affording a means of street transportation similar to that ordinarily afforded by street railways by accepting and discharging passengers along the route traversed by such vehicle, without first obtaining from the bureau of licenses a special annual license for each vehicle to be employed by such person in said business, and unless such license for such vehicle is in force.

(b) Such vehicle so employed in said business is termed a motor bus, and is not deemed a hackney carriage, but is a vehicle subject to all street traffic regulations so far as applicable and consistent herewith. (Ord. 1915, ch. 93, § 1; Rev. Ords. 1946, ch. 21, § 1)

Sec. 24-48. Application for license.

(a) The application for a license hereunder shall be on a blank furnished by the bureau of licenses, and the form of the application and the kinds of information to be furnished therein by the applicant shall be such as from time to time may be prescribed by said bureau. In addition the application shall set forth:

(1) The termini between which and the route over which the applicant proposes to operate.

(2) A schedule showing the passenger fares to be charged between the several points or localities to be served.

(3) The seating capacity, according to its trade rating, of the motor bus for which the license is sought. If the motor bus has been adapted for use as such by reconstructing or modifying the original seating arrangement, or the size of the motor bus will warrant additional seating capacity, a statement of such fact and of the seating capacity shall be added.

(b) Said applicant shall be required to swear before an officer designated by said bureau and authorized to administer oaths that the facts stated in the application are true and that he will regularly operate or cause to be operated in compliance with the provisions herein set forth, the motor bus for which license is sought.

(c) Said application may be amended at any time with the consent of said bureau, and any such amendment shall be endorsed forthwith upon the license by said bureau. (Ord. 1920, ch. 276, § 1; Rev. Ords. 1946, ch. 21, § 5)

Sec. 24-49. Grant of license after inspection of vehicle.

The bureau of licenses of the city is hereby authorized to grant to any persons, resident within this state, applying therefor and deemed by it suitable to conduct such business such special licenses for such motor vehicles, but said bureau shall not hereafter grant such license for any such vehicle until it has been inspected by some competent mechanician appointed by said bureau, and reported by him to be in safe and proper condition for use in said business and properly equipped as herein specified. (Ord. 1920, ch. 276, § 1; Rev. Ords. 1946, ch. 21, § 2)

Sec. 24-50. Bond required prior to licensing.

(a) No license for any motor bus shall be issued until there is filed with the bureau of licenses a bond running to the city in an amount to be computed at the rate of five hundred dollars ($500.00) per seat of the passenger seating capacity thereof, exclusive of the driver's seat, as authorized by such license, with a surety company as surety, or with such other sureties as are approved by said bureau, conditioned in substance to pay all damages sustained by any person injured in his person or property or damaged in consequence of the death of any person caused by any careless, negligent or unlawful act on the part of the principal named in such bond, his agents, employees or drivers, in the conduct of his said business or in the use or occupation of such motor bus employed by him therein; and such bond shall be maintained during the term of the license, and shall run until the liability thereunder has ceased, and there shall be inserted in such bond the provision in substance that nothing therein contained shall be construed or held to impose any liability thereunder inconsistent with the rules of law relative to contributory negligence on the part of any such person injured or whose death is caused as aforesaid.

(b) In case any surety on any such bond is an individual, his execution thereof shall be acknowledged before a notary public designated by said bureau and duly authorized to take acknowledgments.

(c) Said bureau shall forthwith deposit with the city clerk all bonds filed with said bureau. The city clerk shall from time to time make such examination of the land records as may be necessary to determine whether the surety on any bond is seized and possessed of sufficient real estate to adequately cover the requirements of said bond.

(d) In case said bureau at any time shall find or have due reason to believe that any surety on any such bond is bankrupt, insolvent or not possessed of sufficient property to be able to respond to the obligation of such surety under such bond whether any such damages have occurred or accrued or not, said bureau, after giving the principal thereof an opportunity to be heard, may require such principal to furnish another or further surety on such bond, or a new bond for the remainder of the term of the license of the motor bus to which such bond relates, and if within five (5) days after notice of such requirement such principal shall not furnish such new bond or such other or further surety, approved by said bureau, the motor bus license to which such bond relates, without any further action by said bureau, shall stand suspended until such new bond or such other or further surety approved by said bureau is furnished.

(e) In case any surety on any such bond at any time desires to terminate his liability under such bond as to any damages that might occur or accrue in the future, such surety may terminate the same by giving at least five (5) days' previous written notice thereof to the principal named in such bond and said bureau, and upon receipt of such notice such principal shall furnish another surety on such bond or a new bond for the remainder of the term of the license of the motor bus to which such bond relates, and if before such termination of such liability of such surety such principal shall not furnish such new bond or such other surety, approved by said bureau, the motor bus license to which such bond relates,

without any action by said bureau, shall stand suspended until such new bond or such other surety, approved by said bureau, is furnished, but nothing herein shall be construed to prejudice any rights of any persons under such bond respecting any matter or thing occurring before such termination of such future liability. (Ord. 1920, ch. 276, § 9; Rev. Ords. 1946, ch. 21, § 9)

Sec. 24-51. Contents of license.

The name, place of residence and post office address of the licensee, a brief description of the vehicle licensed hereunder, the authorized seating capacity thereof, the serial number of the license, the term of the license and the termini between which and the route over which the vehicle is to be operated, shall be stated in the license. (Ord. 1920, ch. 276, § 1; Rev. Ords. 1946, ch. 21, § 4)

Sec. 24-52. Expiration of license.

A license hereunder shall expire on the first Monday of July next succeeding the date thereof. (Ord. 1920, ch. 276, § 1; Rev. Ords. 1946, ch. 21, § 3)

Sec. 24-53. License fees prescribed.

The license fee for a license hereunder which shall be paid to the bureau of licenses for the city before the issuance thereof, is hereby fixed for each motor bus at the rate of five dollars ($5.00) per seat of the passenger seating capacity thereof, exclusive of the driver's seat, as authorized by such license, provided that the maximum fee for any such bus shall not exceed fifty dollars ($50.00). In case the route of any motor bus licensed in this city extends into any other city or town which requires a license and a license fee for such bus, instead of said five dollars ($5.00) such fee shall be at the rate of three dollars ($3.00) per such seat, but subject to said proviso. (Ord. 1920, ch. 276, § 2; Rev. Ords. 1946, ch. 21, § 6)

Sec. 24-54. Record of licenses issued.

The bureau of licenses shall keep a record of each license issued hereunder, on the stub of the license book. (Ord. 1920, ch. 276, § 1; Rev. Ords. 1946, ch. 21, § 5)

Sec. 24-55. Metal seal; issuance, contents, use.

The bureau of licenses shall issue to the licensee a circular metal seal bearing the words "Licensed Motor Bus No. ..... Prov., ... 19....." setting forth the serial number of the license and the two (2) years in which the term of the license runs. The seal shall be attached to and kept in plain sight on the dashboard of the bus at all times during the license term when the bus is in use in any street or public place in the city. (Ord. 1920, ch. 276, § 2; Rev. Ords. 1946, ch. 21, § 6)

Sec. 24-56. Chauffeur's license—Required.

No person shall drive, operate or be in charge of any motor bus in any street or public place in the city without first obtaining a special annual chauffeur's license therefor from the bureau of licenses, and unless such license is in force. (Ord. 1920, ch. 276, § 3; Rev. Ords. 1946, ch. 21, § 7)

Sec. 24-57. Same—Qualifications of licensee.

No chauffeur's license shall hereafter be granted hereunder to any person who is under the age of twenty-one (21) years, or not a resident of this state, or who is unable to carry on an intelligible conversation in the English language, or not a citizen of the United States, and the bureau of licenses shall not grant such license to any applicant who has not previously been granted such a license, until he has demonstrated to said bureau or some person designated by it his ability to drive the bus proposed to be operated by him or some similar motor vehicle by his actually driving the same in a proper manner, and his familiarity with the motor vehicle laws of the state, and with the rules and regulations herein prescribed, and with the street traffic regulations of the city, and until he has passed such other examination as to his qualifications as the bureau may require. (Ord. 1920, ch. 276, § 3; Rev. Ords. 1946, ch. 21, § 8)

Sec. 24-58. Same—Application.

The application for a chauffeur's license shall be on a blank furnished by the bureau of licenses, and the form of the application and the kinds of information to be furnished thereon by the applicant shall be such as from time to time may be prescribed by the bureau. Said applicant shall be required to swear, before an officer designated by said bureau and authorized to administer oaths, that the facts stated in the application are true and that the applicant will not operate any motor bus in violation of the provisions herein set forth. (Ord. 1920, ch. 276, § 3; Rev. Ords. 1946, ch. 21, § 10)

Sec. 24-59. Same—Fee.

The fee for a chauffeur's license shall be one dollar ($1.00). (Ord. 1920, ch. 276, § 3; Rev. Ords. 1946, ch. 21, § 12)

Sec. 24-60. Same—Duration.

A chauffeur's license issued as provided herein shall expire on the first Monday of July next succeeding the date thereof. (Ord. 1914, ch. 276, § 3; Rev. Ords. 1946, ch. 21, § 7)

Sec. 24-61. Same—Record to be kept.

The bureau of licenses shall keep on the stub of the license book a record of each chauffeur's license issued as provided in this article. (Ord. 1920, ch. 276, § 3; Rev. Ords. 1946, ch. 21, § 11)

Sec. 24-62. Chauffeur's badge and identification card; issuance, contents, use.

(a) The bureau of licenses at the time of issuing a chauffeur's license as provided herein, shall deliver to the licensee a circular metal badge bearing the words "Licensed Chauffeur No. ....., Prov., ..." setting forth the serial number of the license, which badge shall be worn upon the right breast of the outer garment of the licensee at all times when he is driving or in charge of any motor bus in any street or public place; and said bureau shall also then deliver to the

licensee an identification card stating thereon the number of the license and the name, age, height, weight, color of hair, color of eyes and race of the licensee, and the term of the license. A deposit of fifty cents ($0.50) shall be made for each metal badge, which deposit shall be refunded whenever said badge is returned in good condition.

(b) No such licensee shall permit any other person to wear such badge, nor shall any person wear the badge of any other licensee, while driving or in charge of any motor bus in any street or public place. The identification card shall be carried by the licensee at all times while operating or in charge of any motor bus in any street or public place. (Ord. 1920, ch. 276, § 3; Rev. Ords. 1946, ch. 21, § 13)

Sec. 24-63. Display of license and identification card.

Every person while driving or in charge of any motor bus in any street or public place shall carry the license for such bus, and at any time when requested by any police officer shall show him such license and identification card. (Ord. 1920, ch. 276, § 3; Rev. Ords. 1946, ch. 21, § 14)

Sec. 24-64. Locations for picking up and discharging passengers.

A driver or person in charge of any motor bus shall not permit the same to stand to wait for passengers in any street, square or public place or part thereof, except on such portion thereof and during such hours as may be prescribed therefor by the commissioner of public safety, and said commissioner from time to time may fix such locations therefor, and shall fix such locations in such streets, public place or places, or parts thereof, in which general street travel will not be materially interfered with, where such buses may remain unemployed or out of use. The commissioner of public safety, at any time it finds that any such location materially interferes with public travel, may cancel such location and may substitute another location therefor, and said commissioner at

any time may cancel any such hours for such use and prescribe other hours therefor. (Ord. 1920, ch. 276, § 4; Rev. Ords. 1946, ch. 21, § 15)

Sec. 24-65. Buses not to stop except for certain reasons.

No driver or person in charge of a motor bus at any time shall stop such motor bus in any street or public place or part thereof, except in case of emergency, or upon signal to take on or let off passengers, or to collect fares or make change, or to observe street traffic regulations, or when required to do so by reason of street traffic congestion, or except in such place or places therein as are prescribed by the commissioner of public safety as stands for such buses. Nothing in this section contained shall be construed to affect the provisions and remedies contained in the traffic regulations of the commissioner of public safety or any ordinance in addition thereto or amendment thereof, to prevent and remedy street traffic congestion. (Ord. 1920, ch. 276, § 4; Rev. Ords. 1946, ch. 21, § 16)

Sec. 24-66. Stopping at intersection.

No person having control of any bus shall stop the same in front of any intersecting street, except to avoid collision or to prevent danger to persons in the street. (Ord. 1914, ch. 51, § 1; Rev. Ords. 1946, ch. 30, § 2)

Sec. 24-67. Stopping, holding bus.

No bus regulated by the provisions of this article shall be stopped or held, except at such termini of its route as are located in the suburbs of the city, in any much traveled street for the purpose of delay, and every bus on route, although ahead of its schedule time, shall continue to be operated in every much traveled street except as aforesaid, unless it can be stopped or held in order not to interfere with the operation of any other bus and not to obstruct any general line of highway travel on foot or with vehicles, except temporarily at a junction to permit another bus which is due ahead and is in sight and near such junction, to proceed at said junction,

provided it can be done without obstructing any general line of highway travel on foot or with vehicles. (Ord. 1914, ch. 51, § 1; Rev. Ords. 1946, ch. 30, § 3)

Sec. 24-68. Distance between buses traveling in same direction.

Buses proceeding in the same direction shall not approach each other within a distance of thirty (30) feet, except in the approaches to a passenger station or terminal, the entrances to a city park, and at turnouts; or except in case of accident, or to prevent injury to persons or property, or to avoid blockading a street. (Ord. 1914, ch. 51, § 1; Rev. Ords. 1946, ch. 30, § 1)

Sec. 24-69. Substitution of buses.

(a) *Generally.* Any motor bus licensee may substitute for any licensed motor bus another motor bus of the same passenger seating capacity, exclusive of the driver's seat, as such licensed motor bus, as hereinafter provided. The fee for such substitution shall be one dollar ($1.00). If the substitution is intended to be permanent, the license shall be amended to show the substitution and give a brief description of the substituted bus, and the license thereafter shall apply to such bus for the remainder of the license term, and not to the original bus. If the substitution is intended to be temporary, the bureau of licenses shall issue a temporary permit to operate such bus in place of the licensed bus, which permit shall be carried by the driver thereof. No such substitution shall be made until after notice to the bureau of licenses and said bureau or its representative shall have authorized the same.

(b) *Effect on bond.* In case of any such permanent substitution, the bond provided for relating to the licensed bus shall apply to such substituted bus for the remainder of the license term, and shall not apply to the original bus for the remainder of said term, but nothing herein shall be construed to prejudice any causes of action or rights of any persons under such bond which have attached respecting any matter

or thing occurring before such substitution is made; and said bureau shall amend such bond so that such substitution and a brief description of the substituted bus shall be stated therein or thereon; and the right to make such substitution and such amendment of said bond shall be stated in or on every bond filed with said bureau as hereinafter provided. In case of any such temporary substitution, the bond relating to the licensed bus shall apply only to such substituted bus during the period that it is substituted, and upon the termination thereof to the original bus again, but nothing herein shall be construed to prejudice any causes of action or rights of any persons under such bond which have attached respecting any matter or thing occurring before such substitution is made or after the period of such substitution is ended, or occurring relative to the substituted bus during the period of such substitution; and said bureau shall endorse on such bond a statement of such substitution and the period thereof; and the right to make such temporary substitution and such endorsement on said bond shall be stated in or on every bond filed with said bureau as herein provided.

(c) *Applicability of article.* All regulations and provisions of this article consistent herewith shall apply to every such substitution bus the same as to the bus for which it is substituted. (Ord. 1920, ch. 276, § 5; Rev. Ords. 1946, ch. 21, § 17)

Sec. 24-70. Maintenance, examination of vehicle.

Every motor bus shall be kept in safe and proper condition for use in the business regulated herein, and properly and completely equipped as specified herein, and to that end the commissioner of public safety shall cause every motor bus to be examined by a designated mechanic familiar with the construction and operating mechanism of such motor bus at least once in three (3) months. Every motor bus shall be held subject to the further right of said commissioner to have the same examined at any reasonable time by any representative or agent of said commissioner, without charge therefor. (Ord. 1920, ch. 276, § 6; Rev. Ords. 1946, ch. 21, § 18)

Sec. 24-71. Removal of advertisements.

The commissioner of public safety shall have the right to order removed from any bus or any other vehicle of public transportation, any advertisement considered by him to be offensive or improper, and thereupon the same shall be removed. (Ord. 1914, ch. 51, § 1; Rev. Ords. 1946, ch. 30, § 4; Ord. 1951, ch. 532, § 1)

Sec. 24-72. Fenders required on buses.

Every bus used for transportation of passengers shall be equipped with safe and suitable fenders. (Ord. 1914, ch. 51, § 1; Rev. Ords. 1946, ch. 30, § 6)

Sec. 24-73. Number of passengers limited.

No greater number of passengers shall be carried at any one time in any motor bus, and no person driving or in charge of any motor bus shall take on or suffer or permit any more persons to ride or be carried therein at any one time, than such bus has seating capacity for as authorized by the license required herein; provided that in addition thereto children under seven (7) years of age may be carried therein in arms or seated on the lap of a parent or adult person accompanying them, but no passenger with a child in arms or seated on the lap shall be permitted on any front seat beside the driver. Ord. 1920, ch. 276, § 7; Rev. Ords. 1946, ch. 21, § 19)

Sec. 24-74. Receipt and discharge of passengers.

No driver or person in charge of any motor bus shall stop the same to receive or discharge any passenger except at the street curb, or permit any passenger to enter or leave the same except from the side thereof nearest the street curb. (Ord. 1920, ch. 276, § 7; Rev. Ords. 1946, ch. 21, § 21)

Sec. 24-75. Standing on running board, step, fender or dashboard.

No person driving or in charge of any motor bus shall permit any person to stand upon any running board or step

thereof, or to sit upon any fender, dashboard or door thereof. (Ord. 1920, ch. 276, § 7; Rev. Ords. 1946, ch. 21, § 20)

Sec. 24-76. Refusal to carry passengers; intoxicated, boisterous or profane passengers.

No person driving or in charge of any motor bus shall refuse to carry any person offering to be carried as a passenger therein, unless the seats of the same are fully occupied, except any person intoxicated or acting in a boisterous manner or at the time using profane or obscene language. (Ord. 1920, ch. 276, § 7; Rev. Ords. 1946, ch. 21, § 24)

Sec. 24-77. Articles left in buses.

Every person driving or in charge of any motor bus shall deliver every article left therein by any passenger to the office of the commissioner of public safety not later than twenty-four (24) hours after finding the same and shall receive a receipt therefor from said commissioner, and said commissioner shall provide for returning the same to the owner upon proper identification and proof of ownership. All such articles delivered to said commissioner and not claimed within ninety (90) days from such delivery shall be returned to the finder thereof. (Ord. 1920, ch. 276, § 7; Rev. Ords. 1946, ch. 21, § 25)

Sec. 24-78. Prohibited acts of driver upon bus in motion.

No person driving any motor bus shall collect fares, make change or take on or discharge passengers while such vehicle is in motion. (Ord. 1920, ch. 276, § 7; Rev. Ords. 1946, ch. 21, § 22)

Sec. 24-79. Drivers not to smoke, drink, be under influence of intoxicants or drugs.

No person driving or in charge of any motor bus shall smoke tobacco or other mixture while any passenger is being carried therein, or drink any intoxicating liquors or beverages of any kind, or be under the influence of the same

or any drugs, while engaged in the service of operating or having charge of such bus in any street or public place. (Ord. 1920, ch. 276, § 7; Rev. Ords. 1946, ch. 21, § 23)

Sec. 24-80. Operation of bus route not to interfere with public work of city.

(a) No right to maintain or operate a bus route in the city shall be in preference or hindrance of public work of the city, and should the operation of a bus route in any way interfere with the construction, alteration, or repair of any public work in any street, whether done by the city or by any contractor for the city, the bus company shall discontinue operation thereon for the time being, as directed by the director of public works, without the city being liable for any damages suffered by the company thereby.

(b) The city shall notify the bus company, a reasonable time in advance, of any public work which will interfere with its operations. (Ord. 1914, ch. 51, § 17; Rev. Ords. 1946, ch. 30, § 19)

Sec. 24-81. Rights reserved to city.

(a) *Scope of order.* The city council hereby reserves the right, in the exercise of its powers for the time being, at any time and from time to time existing, to amend, alter or annul any provision of this article, and the terms and conditions upon which permission is given to bus companies to operate within the city.

(b) *Time to comply.* Said city council shall give at least ninety (90) days' notice to any company of its intentions to alter, annul or amend the terms and conditions of the permission granted by it; and whenever said terms and conditions shall be altered, amended or annulled, a bus company shall have at least ninety (90) days from the passage of the order making said alteration or requirement to comply with the same. (Ord. 1914, ch. 51, § 26; Rev. Ords. 1946, ch. 30, § 26)

Sec. 24-82. Companies to indemnify city from damages, costs and expenses.

Every bus company subject to the provisions of this article shall at all times indemnify and save harmless and defend the city of and from all damages, costs and expenses to which said city may be subjected or made liable by any proceedings at law or in equity or otherwise, growing out of the grant or continuance of any permission or privileges granted to such company, or out of the exercise and enjoyment of the same by such company. (Ord. 1914, ch. 51, § 21; Rev. Ords. 1946, ch. 30, § 23)

Sec. 24-83. Conformance to rules, regulations.

Every bus company regulated herein shall at all times conform to all such reasonable rules and regulations as from time to time may be made by the city council. (Ord. 1914, ch. 51, § 20; Rev. Ords. 1946, ch. 30, § 22)

Sec. 24-84. Abandonment of grants and privileges by companies.

Each bus company subject to the provisions of this article shall have the right to give notice to the city council, at any time, that such company will no longer use or enjoy the grant or privilege given to such company, as to all or any portions of the streets used by it. (Ord. 1914, ch. 51, § 25; Rev. Ords. 1946, ch. 30, § 25)

Sec. 24-85. Vehicles excepted from article provisions.

Nothing in this article contained shall be deemed to apply to any motor vehicle used exclusively for sightseeing purposes or as a hotel bus, or to any motor vehicle which is rented from a stand in any street or public place fixed by any public authorities or at any railroad station or steamboat landing, or from a public or private garage, the destination and route of which is under the direction of the passengers transported therein. (Ord. 1920, ch. 276, § 10; Rev. Ords. 1946, ch. 21, § 26)

Sec. 24-86. Printing and posting copies of rules, regulations.

It shall be the duty of any bus company operating buses within the city to place and keep posted in a conspicuous position in each bus terminal and in each waiting room upon its respective lines a printed copy of these rules and regulations and of such additional rules and regulations on the same subject as may from time to time be adopted by the city council, and said company shall also provide each driver in its employ with a copy of such rules and regulations. (Ord. 1914, ch. 51, § 1; Rev. Ords. 1946, ch. 30, § 7)

Secs. 24-87—24-96. Reserved.

Article IV. Sound Trucks*

Sec. 24-97. Definitions.

For the purposes of this article, the following terms shall have the meanings respectively ascribed herein:

Sound amplifying equipment. The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by the occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

Sound truck. The words "sound truck" as used herein shall mean any vehicle, or horse-drawn vehicle, having sound amplifying equipment mounted thereon or attached thereto. (Ch. 32B, § 1, added by Ord. 1949, ch. 312, § 1)

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*Charter reference—Bureau of licenses, § 5.35 et seq.
State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; regulation of motor and other vehicles, Title 31, Gen. Laws 1956.

Sec. 24-98. Sound trucks for noncommercial use to be registered.

No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation for noncommercial purposes in the city before filing a registration statement in writing with the commissioner of public safety. (Ch. 32B, § 3, added by Ord. 1949, ch. 312, § 2)

Sec. 24-99. Registration statement for sound trucks.

A registration statement for the use of a sound truck with its sound amplifying equipment for noncommercial purposes shall be filed in duplicate, and shall state the following:

(a) Name and home address of the applicant.
(b) Address of place of business of applicant.
(c) License number and motor number of the sound truck to be used by applicant.
(d) Name and address of the person who owns the sound truck.
(e) Name and address of the person having direct charge of the sound truck.
(f) Names and addresses of all persons who will use or operate the sound truck.
(g) The purpose for which the sound truck will be used.
(h) A general statement as to the section or sections of the city in which the sound truck will be used.
(i) The proposed hours of operation of the sound truck.
(j) The number of days of proposed operation of the sound truck.
(k) A general description of the sound amplifying equipment which is to be used.
(l) The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck, including:
    (1) The wattage to be used.
    (2) The volume in decibels of the sound which will be produced.
    (3) The approximate maximum distance for which sound will be thrown from the sound truck. (Ch. 32B, § 3, added by Ord. 1949, ch. 312, § 2)

Sec. 24-100. Time limit to file amended registration statement.

All persons using or causing to be used, sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to section 24-99 of this chapter, within forty-eight (48) hours after any change in the information therein furnished. (Ch. 32B, § 4, added by Ord. 1949, ch. 312, § 2)

Sec. 24-101. Possession of registration statement, display upon request.

The commissioner of public safety shall return to each applicant under section 24-99 of this chapter, one copy of said registration statement. Said copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman of the city upon request. (Ch. 32B, § 5, added by Ord. 1949, ch. 312, § 2)

Sec. 24-102. Regulations for use.

Noncommercial use of sound trucks in the city with sound amplifying equipment in operation shall be subject to the following regulations:

(a) The only sounds permitted shall be music or human speech.

(b) No operations shall be permitted between the hours of 10:00 p.m. and 10:00 a.m., provided that on Sundays and legal holidays operations shall be permitted only between the hours of 12:00 noon and 6:00 p.m.

(c) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when used for public functions or for public addresses or when said truck is stopped

or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.

(d) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches, synagogues or courthouses.

(e) No sound truck with its amplifying device in operation shall be operated on any street designated by the commissioner of public safety as within the downtown congested traffic area.

(f) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.

(g) The volume of sound shall be controlled so that it will not be audible for a distance in excess of two hundred (200) feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(h) No sound amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification. (Ch. 32B, § 6, added by Ord. 1949, ch. 312, § 2)

Sec. 24-103. Commercial advertising prohibited.

No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in the city, with sound amplifying equipment in operation. (Ch. 32B, § 2, added by Ord. 1949, ch. 312, § 3)

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Chapter 25

WATER AND SEWERS*

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*Charter references—Powers of city, § 2.1 et seq.; water supply board, § 5.53 et seq.

Cross references—Duties of city engineer in connection with sewers, § 2-136; supply of running water for premises where poultry is slaughtered, § 10-106; wholesome water to be provided, § 12-12; unwholesome wells, § 12-13; depositing matter taken from catch basins,

Article I. In General

Sec. 25-1. Inflammables and hot water not to be turned into sewer.

No person shall introduce or turn into or cause or suffer to be introduced or turned into any common sewer or catch basin in the city any steam, highly volatile or inflammable material, any rubbish, oil or other product of petroleum, or any hot water above one hundred thirty (130) degrees Fahrenheit temperature. (Ord. 1921, ch. 294, § 1; Rev. Ords. 1946, ch. 23, § 12)

Sec. 25-2. Rubbish, other waste not to be placed in sewers.

No person shall place or deposit in any street opening to any sewer or in any catch basin any animal or vegetable matter, solid or liquid, nor any filthy substance or rubbish. (Ord. 1939, ch. 984, § 1; Rev. Ords. 1946, ch. 23, § 13)

Secs. 25-3—25-12. Reserved.

Article II. Installation of Water Mains*

Sec. 25-13. Petition to director of public works to file application with water supply board.

Any owner of property abutting on a street in the city may petition, in writing, the director of public works to

*Charter reference—Water supply board, § 5.53 et seq.

Cross reference—Supply of running water for premises where poultry is slaughtered, § 10-106.

State law references—Public drinking water supply, ch. 46-13, Gen. Laws 1956; special act to provide supply of pure water for city, P. L. 1915, ch. 1278, as amended by P. L. 1921, ch. 2108, P. L. 1931, ch. 1815, P. L. 1932, ch. 1966 and P. L. 1936, ch. 2316.

§ 12-59; privies and cesspools, § 12-90 et seq.; flush toilet and lavatory basin required by housing code, § 13-226; bathtub and shower bath requirements of housing code for rooming houses, § 13-227; hot water requirements, § 13-228; alteration by railroad of sewerage or drainage system, § 19-19; waterworks depreciation and extension fund, § 21-65; deposits in sinking fund for redemption of water bonds, § 21-88.

State law references—Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956; imposition, collection of sewage charges, ch. 45-14, Gen. Laws 1956; water pollution, ch. 46-12, Gen. Laws 1956; public drinking water supply, ch. 46-13, Gen. Laws 1956; contamination of drinking water, ch. 46-14, Gen. Laws 1956; inspection of dams and reservoirs, ch. 46-19, Gen. Laws 1956; ditches and drains, ch. 46-20, Gen. Laws 1956.

file an application with the water supply board of the city for the installation of a water distribution main in said street. (Ch. 35, § 10, added by Ord. 1950, ch. 348, § 1)

Sec. 25-14. Deposit of estimated cost to accompany petition.

A property owner shall deposit with the petition described in section 25-13 an amount equal to the estimated cost of the installation as certified by the chief engineer of the water supply board. (Ch. 35, § 11, added by Ord. 1950, ch. 348, § 1)

Sec. 25-15. Deposit of estimated cost in "New Water Main Account".

The amount of the estimated cost of installation as required by section 25-14 shall be turned over to the city collector for deposit in a special account known as the "New Water Main Account". (Ch. 35, § 12, added by Ord. 1950, ch. 348, § 1)

Sec. 25-16. Filing application with water supply board by director of public works.

The director of public works, after the provisions of sections 25-13 through 25-15 have been complied with, shall file the requested application with the water supply board for the installation of the distribution main, together with the payment of the estimated cost. (Ch. 35, § 13, added by Ord. 1950, ch. 348, § 1)

Sec. 25-17. Payments upon voucher from director of public works.

All payments as required by section 25-16 shall be made by the city treasurer from the water main account, upon voucher from the director of public works. (Ch. 35, § 14, added by Ord. 1950, ch. 348, § 1)

Sec. 25-18. Certification of cost of installation, pro rata share for abutting property.

Upon completion of an installation provided for in this article, the water supply board shall certify to the director

of public works the total cost of the work and the pro rata share of said cost for each lot abutting on said street, based upon the lineal frontage of each lot. (Ch. 35, § 15, added by Ord. 1950, ch. 348, § 2)

Sec. 25-19. Payment of difference between estimated cost, actual cost by petitioner.

The petitioner upon certification of the cost and pro rata share of an installation hereunder, shall thereupon pay to the director of public works the difference, if any, between the estimated cost and the actual cost of said work before he may connect with said distribution main. (Ch. 35, § 16, added by Ord. 1950, ch. 348, § 2)

Sec. 25-20. Connection with main by property owners other than original petitioner.

No property owner on a street other than the original petitioner pursuant to this article shall be allowed to connect with a newly installed water distribution main until an amount equal to the applicant's pro rata share of the cost incurred in laying said main shall have been deposited by the applicant to the credit of the new water main account. When such deposit shall have been made, the director of public works shall authorize the water supply board to make the connection, and shall further submit an approved voucher to the city treasurer for payment to the original petitioner of the amount of such deposit; said payment to be likewise made from the new water main account. Said deposits shall not bear interest. (Ch. 35, § 17, added by Ord. 1950, ch. 348, § 2)

Secs. 25-21—25-30. Reserved.

Article III. Water Services*

*Charter reference—Water supply board, § 5.53 et seq.

Cross references—Providing wholesome water in dwellings, factories, stores, etc., § 12-12; water on streets or sidewalks, § 12-13.

State law references—Special act to provide supply of pure water for city, P. L. 1915, ch. 1278, as amended by P. L. 1921, ch. 2108, P. L. 1931, ch. 1815, P. L. 1932, ch. 1966 and P. L. 1936, ch. 2316; water pollution, ch. 46-12, Gen. Laws 1956; public drinking water supply, ch. 46-13, Gen. Laws 1956; contamination of drinking water, ch. 46-14, Gen. Laws 1956; inspection of dams and reservoirs, ch. 46-19, Gen. Laws 1956; ditches and drains, ch. 46-20, Gen. Laws 1956.

Sec. 25-31. Water meters; installation, maintenance, record.

The chief engineer of the water supply board shall, under the direction of said board, control and manage the supplying of water meters for the city in accordance with rules adopted from time to time by the water supply board. He shall keep all meters stored in the department in as good condition and repair as is possible, and shall install and maintain a proper system of accounting for the same. (Ord. 1942, ch. 1165, § 1; Rev. Ords. 1946, ch. 35, § 9)

Sec. 25-32. Water meter revolving fund to finance purchase of meters.

A water meter revolving fund shall be held and maintained by the city treasurer as a separate fund of the city for the purpose of financing all proper charges against the water supply board for the purchase of water meters. (Ord. 1942, ch. 1165, § 3; Rev. Ords. 1946, ch. 35, § 1)

Sec. 25-33. Crediting receipt of payments for meters.

Upon receipt of the payments for water meters the city controller shall credit the water meter revolving fund with the receipts for said meters. (Ord. 1942, ch. 1165, § 3; Rev. Ords. 1946, ch. 35, § 2)

Sec. 25-34. Charges against water meter fund.

The chief engineer of the water supply board shall make appropriate charges against the water meter revolving fund with respect to water meters purchased. (Ord. 1942, ch. 1165, § 3; Rev. Ords. 1946, ch. 35, § 3; Ord. 1948, ch. 38, § 1)

Sec. 25-35. Disposition of balance in water meter fund.

Any balance in the water meter revolving fund at the end of each fiscal year in excess of the amount appropriated shall revert to water receipts. (Ord. 1942, ch. 1165, § 3; Rev. Ords. 1946, ch. 35, § 4; Ord. 1948, ch. 38, § 1)

Sec. 25-36. Bills for water, water rents, meter repairs, connections, etc.

The water supply board shall make out against the parties indebted, all bills for water, for water rents, for repairs on meters and connecting pipes, and for all other supplies and labor furnished by him, and shall send said bills to the office of the city collector for collection. (Ord. 1914, ch. 49, § 2; Rev. Ords. 1946, ch. 35, § 5)

Sec. 25-37. Bills of water supply board to be payable to city.

All bills made out by the water supply board by the terms thereof shall be payable to the city. (Ord. 1914, ch. 49, § 3; Rev. Ords. 1946, ch. 35, § 6)

Sec. 25-38. Correction of bills for water services.

Whenever any error is made by the water supply board in the reading of water meters or an error is made in the making out of bills for the water used by any consumer whereby an overcharge results, the water supply board is hereby authorized to correct and adjust any such error by a proper bill in favor of the consumer for the amount of such overcharge and said bill shall be certified to the city controller for payment, the amount of said bill to be charged to the appropriation for waterworks maintenance. (Ord. 1918, ch. 193, § 1; Rev. Ords. 1946, ch. 35, § 8)

Sec. 25-39. Drinking fountains for free public use.

The water supply board shall take charge of and maintain for the use of the public, and keep supplied with water from the city water mains free of charge, the drinking fountains now or hereafter established, the expense to be charged to the appropriation for care, maintenance and management of the waterworks. (Ord. 1914, ch. 49, § 29; Rev. Ords. 1946, ch. 35, § 7)

Secs. 25-40—25-49. Reserved.

Article IV. Sewer Rents*

Sec. 25-50. Annual sewer rental imposed.

There is hereby imposed an annual sewer rental or charge for the use of sewers, sewerage system and sewage treatment works of the city, upon all industrial and commercial plants, facilities and all other users of said sewers or sewerage system, except users using same for the disposal of sewage or other waste matter from any premises or building used exclusively for residential premises and comprising not more than six (6) dwelling units or public or private schools or tax supported departments of the city, at the rates hereinafter set forth. The charge herein made, except as otherwise hereinafter provided, is assessed upon the recorded owner of the property served and having a connection or connections with said sewers, sewerage system and sewage treatment works; said owner shall and he hereby is deemed to be in control of said connection or connections and the user, either actually or constructively, of said sewers, sewerage system and sewage treatment works. (Ch. 32A, § 1, added by Ord. 1946, ch. 1525, § 1; Ord. 1947, ch. 1649, § 1; Ord. 1949, ch. 226, § 1)

Sec. 25-51. Sewer rental based upon water consumption.

The sewer rental hereby imposed shall be based upon the water consumption of the property served either by the city system, its own private supplies, or both, as measured on an approved type of meter. (Ch. 32A, § 2, added by Ord. 1946, ch. 1525, § 2; Ord. 1947, ch. 1649, § 1)

Sec. 25-52. Amount of sewer rental charge.

The sewer rental charge imposed herein shall be based upon the actual registration of the meter at the rate of two

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*Charter reference—Water supply board, § 5.53 et seq.

Cross reference—Duties of city engineer in connection with sewers, § 2-136.

State law references—Authority of city to assess charge for use of its sewer system to industrial and commercial plants and facilities, P. L. 1946, ch. 1734 (Jan. ses.) and P. L. 1947, ch. 1836 (Jan. ses.); imposition, collection of sewage charges, ch. 45-14, Gen. Laws 1956.

cents ($0.02) per hundred cubic feet of water; provided however, that a minimum charge shall be collected from all owners or users subject to a charge under the provisions of section 25-50, as follows:

ANNUAL MINIMUM CHARGE

This charge includes the cost of sewer rental for each water service connection at the established rate up to the amount of the minimum charge.

These charges are according to the size of the meter as follows:

Meter size	*Charge*
5/8 inch	$ 2.00
3/4 inch	2.00
1 inch	2.50
1 1/2 inch	3.75
2 inch	5.00
3 inch	8.00
4 inch	12.50
6 inch	18.75
8 inch	25.00
10 inch	50.00
12 inch	75.00

PROPERTY USING CITY WATER

For a property that uses city water, the sewer rental charge will be based upon the actual registration of each water meter that measures the supply on each service connection. (Ch. 32A, § 2, added by Ord. 1946, ch. 1525, § 2; Ord. 1947, ch. 1649, § 1)

Sec. 25-53. Sewer rental upon properties using other than city water.

(a) For a property which uses water, all or part of which is from a source or sources other than the city's water supply system, there shall be a sewer rental, which shall be measured

by the quantity of water from the source or sources other than the city's water supply system, which is discharged into the city's sewers from said property.

(b) The owner of each such property shall install without cost to the city a meter or meters to measure the quantity of water received from other than the city's water supply system and discharged into the city's sewers. No meter shall be installed or be used for such purpose without the approval of the chief engineer of the water supply board.

(c) In case a meter fails to register or has been removed for repairs, testing or other purposes during the billing period, the bill shall be issued based on the average daily rate of water consumption as shown by the meter after it has been returned to service and is in proper working order.

(d) If the meter has not been returned to service, the bill shall be issued based on the average daily rate of water consumption for the previous three (3) year period. (Ch. 32A, § 3, added by Ord. 1946, ch. 1525, § 3; Ord. 1947, ch. 1649, § 1)

Sec. 25-54. Sewer rental when water not discharged into city's sewers.

Whenever a property upon which a sewer rental is hereby imposed uses water from the city's water supply system or other supply systems and part of the water so used is not discharged into the sewerage system of the city, the quantity of water so used and not discharged into the city's sewers shall be excluded in determining the sewer rental of said property and the charge shall be based upon the quantity of sewage passing into the sewerage system of the city as determined by the chief engineer of the water supply board of the city or some other employee of said city designated by him or at the option of the person subject to the charge, by a measuring device approved by the chief engineer of the water supply board of said city, installed by the owner, without cost to the city. (Ch. 32A, § 4, added by Ord. 1946, ch. 1525, § 4; Ord. 1947, ch. 1649, § 1)

Sec. 25-55. Measuring devices required; maintenance.

All meters or other measuring devices installed or required to be used under the provisions of this article shall be under the control of the chief engineer of the water supply board. The owner of the property upon which any such measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the owner's cost, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the city, shall be due and payable at the same time, be collected in the same manner, and be subject to the same penalties, as are the bills for repairs of water meters. (Ch. 32A, § 5, added by Ord. 1946, ch. 1525, § 5; Ord. 1947, ch. 1649, § 1)

Sec. 25-56. Apportionment of beginning, ending charges.

Whenever sewer service to any property begins after the first day or terminates before the last day of any billing period, the sewer rental for such property for said period shall be for that portion of the period during which said property is served; provided however, that in making such apportionment, a fraction of a month amounting to one-half (½) or more of a month shall be counted a full month and a fraction of a month amounting to less than one-half (½) of a month shall be disregarded. (Ch. 32A, § 9, added by Ord. 1946, ch. 1525, § 8; Ord. 1947, ch. 1649, § 1)

Sec. 25-57. Time and method of payment.

All sewer rentals shall be due and payable at the same time that water rentals are due and payable. Bills shall be prepared and collected at the same time and in the same manner as the charges for water. Said payments shall apply to all property owners or users subject to the payment of sewer rents without regard to the source of the water used by them. (Ch. 32A, § 7, added by Ord. 1946, ch. 1525, § 7; Ord. 1947, ch. 1649, § 1)

Sec. 25-58. Delinquent charges.

All sewer rents not paid within twenty (20) days after issuance of the bill therefor shall be deemed to be overdue and delinquent. (Ch. 32A, § 10, added by Ord. 1946, ch. 1525, § 9; Ord. 1947, ch. 1649, § 1)

Sec. 25-59. Billing, collection of charges.

The city collector is hereby charged with the duty of collecting all sewer rents. Bills shall be prepared by the water supply board and filed with the city collector for collection. (Ch. 32A, § 10, added by Ord. 1946, ch. 1525, § 9; Ord. 1947, ch. 1649, § 1)

Sec. 25-60. Penalty for nonpayment by due date.

Failure to pay the sewer rental charge imposed herein by the due date shall result in shutting off of the water service, without regard to change of ownership or occupancy of such premises. Water shall not again be turned on until all sewer rental charges due and payable shall have been paid. (Ch. 32A, § 8, added by Ord. 1946, ch. 1525, § 7; Ord. 1947, ch. 1649, § 1)

Sec. 25-61. Properties not affected by charges.

No sewer rental is hereby imposed on properties outside the city from which sewage and other liquid wastes are discharged into the sewers of the city under an agreement between the city and any other political subdivision of the state, nor upon properties within the city not receiving sewer service from the city's facilities, nor upon any tax supported department of the city. (Ch. 32A, § 11, added by Ord. 1946, ch. 1525, § 10; Ord. 1947, ch. 1649, § 1)

Sec. 25-62. Water supply board to make and enforce regulations.

The water supply board of the city shall make and enforce such bylaws and regulations as said board may deem necessary for the collection of the sewer rental or charge for the use of sewers, sewerage system and sewage treatment works of the city. (Ch. 32A, § 12, added by Ord. 1946, ch. 1525, § 12; Ord. 1947, ch. 1649, § 1)

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Chapter 26

WEIGHTS AND MEASURES*

Sec. 26-1.	Record book to be kept by sealer.
Sec. 26-2.	Sealing weights, measures, measuring machines or balances.
Sec. 26-3.	Report by sealer of fees and expenses.
Sec. 26-4.	Records of sealer.
Sec. 26-5.	Receipts, receipt book of sealer.
Sec. 26-6.	Office hours at city platform scale.
Sec. 26-7.	Fees for loads, vehicles weighed; certificates.
Sec. 26-8.	Gauger's record of casks gauged.
Sec. 26-9.	Gauger's return of casks gauged.
Sec. 26-10.	Weighing goods, wares and merchandise.
Sec. 26-11.	Weighing coal.
Sec. 26-12.	Weighing hay and straw in bundles.

Sec. 26-1. Record book to be kept by sealer.

The city sealer of weights and measures shall make and keep in a book to be provided by him for that purpose a true record of the names of every person in the city selling goods, wares, merchandise, liquors or provisions therein, and shall report in writing to the chief of police the name of every person who shall violate the law as to weights and measures. (Ord. 1914, ch. 38, § 32; Rev. Ords. 1946, ch. 2, § 130)

Sec. 26-2. Sealing weights, measures, measuring machines or balances.

The city sealer, between the fifteenth day of February and the fifteenth day of December following, shall visit the places of business of all persons who are supposed to have weights, measures, measuring machines, and balances of any description which ought to be sealed by him, and which have not been sealed since the first day of January next preceding said visit, and seal any weights, measures, measuring ma-

*Charter references—Powers of city, § 2.1 et seq.; appointment of superintendent of weights and measures who shall be ex officio sealer of weights and measures, inspector of kerosene, city gauger, city weigher and surveyor of lumber, § 4.23.

Cross references—Superintendent of weights and measures, § 2-206 et seq.; seal of department of weights and measures, § 2-348.

State law reference—Treatment of weights and measures under state law, chs. 47-1—47-14, Gen. Laws 1956.

chines or balances that may be presented to him, or send the same to his office to be tried, proved and sealed. (Ord. 1914, ch. 38, § 33; Rev. Ords. 1946, ch. 2, § 131)

Sec. 26-3. Report by sealer of fees and expenses.

The city sealer, semiannually in the months of June and December of each year, shall report in writing to the city council the amount of the fees received by him, and from whom the same were received, and also the expenses incurred by him and for what purpose. (Ord. 1914, ch. 38, § 34; Rev. Ords. 1946, ch. 2, § 133)

Sec. 26-4. Records of sealer.

The city sealer shall keep a record of all sealings, repairs, alterations and adjustments made by him or his assistants, and also of all cartage done, and of the amounts of money received from said sources, together with the names and places of business of all parties for whom sealings, repairs, alterations or adjustments are done. (Ord. 1914, ch. 38, § 35; Rev. Ords. 1946, ch. 2, § 134)

Sec. 26-5. Receipts, receipt book of sealer.

The city sealer shall give receipts from stub receipt books to all parties from whom money is received, and shall keep a record upon the stubs of the receipt books of the names and places of business of the parties for whom said work is done, together with the amounts received therefor. The pages of the receipt book shall be numbered consecutively, each stub with its corresponding receipt having the same number. (Ord. 1914, ch. 38, § 35; Rev. Ords. 1946, ch. 2, § 135)

Sec. 26-6. Office hours at city platform scale.

The city shall provide and keep in good order a suitable platform scale. The office hours of the city weigher at said platform scale shall be daily, Sundays and legal holidays excepted, between the hours of 7:00 a.m. and 5:00 p.m. with

the exception of Saturdays, when the office hours shall be from 7:00 a.m. until 1:00 p.m. (Ord. 1927, ch. 595, § 1; Rev. Ords. 1946, ch. 2, § 126)

Sec. 26-7. Fees for loads, vehicles weighed; certificates.

The city weigher shall be entitled to demand and receive from the owner or person in charge of articles weighed by him the sum of twenty-five cents ($0.25) for each load or vehicle weighed by him, and such owner or person shall be entitled to receive such reasonable number of certificates of weight as he may require. (Ord. 1914, ch. 38, § 20; Rev. Ords. 1946, ch. 2, § 127; Ord. 1953, ch. 714, § 1)

State law reference—Section 47-11-5, Gen. Laws 1956, provides that the fee shall be twenty-five cents ($0.25) per head for all cattle weighed.

Sec. 26-8. Gauger's record of casks gauged.

The gauger shall keep a true and faithful record of the number of casks gauged by him, with the contents of the same and the amount of fees received by him for said services. (Ord. 1914, ch. 38, § 22; Rev. Ords. 1946, ch. 2, § 129)

Sec. 26-9. Gauger's return of casks gauged.

The gauger shall make return to the city council on the first Monday in January annually, of the number of casks gauged by himself or his deputies, specifying the contents of said casks, and by whom gauged, and the amount of all fees received by him and his deputies. (Ord. 1914, ch. 38, § 21; Rev. Ords. 1946, ch. 2, § 128)

Sec. 26-10. Weighing goods, wares and merchandise.

No person shall sell or deliver or service any goods, wares or merchandise, the price of which is determined by weight unless the weight thereof is clearly and visibly marked thereon or upon the parcel, package or container or upon a slip accompanying the same except where said goods, wares or merchandise are weighed in the immediate presence of the purchaser upon a scale whose face is clearly visible to the

purchaser. Any person violating this provision shall be deemed guilty of an offense. (Ch. 2, § 137.1, added by Ord. 1952, ch. 584, § 1)

Sec. 26-11. Weighing coal.

(a) All anthracite or other coal, sold by weight in any quantity not exceeding fifteen (15) tons, and not less than one-half (½) of a ton, shall, previous to the delivery thereof to the purchaser, be weighed by some public weigher who shall immediately make and deliver to the carrier thereof, or to the driver of the vehicle in which the same shall have been placed for delivery, a certificate of the weight thereof, which certificate shall be by such carrier or driver delivered with such coal to the purchaser thereof. Any person who shall sell and deliver by weight, or permit to be sold and delivered for him by weight, any anthracite or other coal which shall not have been weighed, and the weight thereof certified as required by this section, shall be deemed guilty of an offense.

(b) All anthracite coal sold in less quantity than one-half (½) a ton shall be sold by weight. Any person who shall sell and deliver, or permit to be sold and delivered, any anthracite coal in less quantity than one-half (½) of a ton, otherwise than by weight, shall be deemed guilty of an offense. (Ord. 1914, ch. 38, §§ 36—38; Rev. Ords. 1946, ch. 2, § 137)

Sec. 26-12. Weighing hay and straw in bundles.

The weigher of hay and straw in bundles shall, whenever requested so to do, weigh all hay or straw pressed into bales or bundles which may be sold or offered for sale in the city, and shall deduct from the gross weight the tare of each bundle or bale for wood or other bindings, as nearly as he can ascertain the same, and shall mark such tare and the gross weight of such bale or bundle, together with his own initials, in a legible and durable manner upon some suitable substance attached to each bale or bundle; and he shall be entitled to demand and receive for his services hereunder the

sum of ten cents ($0.10) for each bale or bundle weighed by him, to be paid by the person requesting said services. (Ord. 1914, ch. 38, § 39; Rev. Ords. 1946, ch. 2, § 138)

State law reference—Sale of hay and straw, § 47-14-1 et seq., Gen. Laws 1956.

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Chapter 27

ZONING*

Sec. 27-1. Preservation of zoning ordinance, amendments.

Sec. 27-1. Preservation of zoning ordinance, amendments.

That certain ordinance of the City of Providence, being Chapter 36 of the Revised Ordinances of 1946, as amended, entitled "Zoning", shall be and remain in full force and effect, and preserved and continued as an ordinance of the city, notwithstanding its omission from this Code of Ordinances, and nothing in this Code of Ordinances, or in any ordinance adopting or amending this Code of Ordinances, shall be so construed as to amend, alter or repeal any part or portion of said Chapter 36 of the Revised Ordinances of 1946, as amended.

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*Charter reference—Powers of city, § 2.1 et seq.

Cross references—City plan commission, § 2-240 et seq.; application to zoning board of review for variance, exception from housing code requirements, § 13-20; filing fee for petition to amend zoning ordinance, map, § 21-14.

State law references—Subdivision of land, ch. 45-23, Gen. Laws 1946; zoning ordinances, ch. 45-24, Gen. Laws 1956.

([he next page is 1403]

APPENDIX A

WILL OF MARSHALL H. GOULD

Sec. 1. Acceptance of fourth clause of will; Elizabeth Angell Gould Fund.

The city council of the city hereby accepts the bequest to said city under the fourth clause of the will of Marshall H. Gould, late of Boston, deceased, which reads as follows:

> "FOURTH: I give to the CITY OF PROVIDENCE in the State of Rhode Island the sum of One Hundred Thousand Dollars to be known as the 'Elizabeth Angell Gould Fund' in memory of my mother, the income only therefrom to be used especially toward the maintenance and repair of the Esek Hopkins Homestead on Admiral Street in said Providence, so long as it exists, and thereafter toward the maintenance of the land and playgrounds belonging to and adjoining the same, the said Homestead being the same estate conveyed by me to the City of Providence by deed dated December 16, 1908, in order to complete and fully carry out the wishes and intentions of my mother. But I desire the said City of Providence cause to be placed somewhere on or about said Homestead or grounds a bronze tablet reading substantially as follows:
>
> " 'In memory of Elizabeth Angell Gould 1833-1907, who gave this Homestead of her ancestor, Commodore Esek Hopkins, to the City of Providence for patriotic and park purposes.' "

The city collector of the city is hereby authorized to collect such fund when payable and deliver the same to the board of commissioners of sinking funds. (Ord. 1950, ch. 337, § 1)

Sec. 2. Control and management of fund.

The board of commissioners of sinking funds of the city is hereby entrusted with the "Elizabeth Angell Gould Fund", with full power to control and manage such fund and to invest and reinvest the same in the best interests of the city and

as may be required to carry out the intention of Marshall H. Gould as expressed in his will. The board of commissioners of sinking funds is directed to pay over to the finance director of the city annually for the use of the board of park commissioners of the city the income only therefrom to be used by the board of park commissioners as directed by such will. (Ord. 1950, ch. 337, § 2)

Sec. 3. Fifth clause of will; entrustment of articles.

The board of park commissioners of the city is hereby entrusted with the articles referred to in the fifth clause of the will of the late Marshall H. Gould, most of which formerly belonged to Esek Hopkins or his immediate family, and is directed to carry out the provisions of said fifth clause of said will, which reads as follows:

> "FIFTH: I give to the City of Providence to be kept in said Homestead all articles I may have loaned to or placed in said Homestead, most of which formerly belonged to Commodore Esek Hopkins or his immediate family. I suggest that a part of the income from the above trust fund given to the City of Providence be used from time to time to keep the furniture in said Homestead in repair." (Ord. 1950, ch. 337, § 3)

Sec. 4. Sixth clause of will; Esek Hopkins School trust fund.

The board of commissioners of sinking funds is hereby entrusted with the fund of five thousand dollars given to the city in trust, under the sixth clause of the will of Marshall H. Gould, and accepted by the city council, by Resolution No. 220, approved April 16, 1948, the board of commissioners of sinking funds to have full power to invest and reinvest such fund for the purposes enumerated in said sixth clause of said will, and to pay over to the finance director of the city for the use of the school committee of the city the income only therefrom annually or oftener as may be convenient.

The school committee of the city is hereby requested to use the income only from said trust fund as set forth in the sixth clause of said will, viz.:

"SIXTH: I give to said City of Providence, IN TRUST, the sum of Five Thousand Dollars, the income only therefrom to be used to give one or more annual prizes for the best essay or composition by one or more of the pupils of the Esek Hopkins School on Charles Street in said City of Providence on the subject of the founding of our American Republic and the history of the Colonies from the earliest time down and through the American Revolution to the year 1800 and also on broader general subjects relating to American history and government, if it seems desirable." (Ord. 1948, ch. 127, §§ 1, 2)

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APPENDIX B

ORDINANCES APPROVING AND ADOPTING REDEVELOPMENT PLANS*

The following tabulation gives the ordinances approving and adopting official redevelopment plans, listed in chronological sequence, as amended (the complete texts thereof are in the files of the city council):

Year	Project Name	Ordinance No. and Year	
1951	"Point Street D2-R"	Ch. 474	Ords. of 1951
	Amended by	Ch. 1230	Ords. of 1958
1953	"Willard Centre D2-A1"	Ch. 749	Ords. of 1953
1954	"Willard Centre D2-A2"	Ch. 853	Ords. of 1954
1956	"West River UR R.I. 1-6"	Ch. 1044	Ords. of 1956
	Amended by	Ch. 1142	Ords. of 1957
	Amended by	Ch. 1191	Ords. of 1958
	Amended by	Ch. 1249	Ords. of 1959
	Amended by	Ch. 1250	Ords. of 1959
	Amended by	Ch. 1366	Ords. of 1960
	Amended by	Ch. 1666	Ords. of 1964
1959	"Lippitt Hill R.I. R-3"	Ch. 1272	Ords. of 1959
	Amended by	Ch. 1512	Ords. of 1962
1960	"Mashapaug Pond"	Ch. 1375	Ords. of 1960
	Amended by	Ch. 1434	Ords. of 1961
	Amended by	Ch. 1728	Ords. of 1965
1961	"Central-Classical R.I. R-2"	Ch. 1419	Ords. of 1961
	Amended by	Ch. 1433	Ords. of 1961
	Amended by	Ch. 1497	Ords. of 1962
	Amended by	Ch. 1511	Ords. of 1962
	Amended by	Ch. 1554	Ords. of 1963
	Amended by	Ch. 1670	Ords. of 1964
1962	"Weybosset Hill Annex"	Ch. 1498	Ords. of 1962
1963	"Weybosset Hill R.I. R-7"	Ch. 1575	Ords. of 1963
	Amended by	Ch. 1589	Ords. of 1964
	Amended by	Ch. 1642	Ords. of 1964
	Amended by	Ch. 1665	Ords. of 1964
	Amended by	Ch. 1734	Ords. of 1965
	Amended by	Ch. 1773	Ords. of 1966
1966	Amended by	Ch. 1794	Ords. of 1966
	"East Side R.I. R-4"	Ch. 1797	Ords. of 1966

*Cross reference—Boundaries of redevelopment areas, § 19-1 et seq.

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APPENDIX C

TABLE OF BOND ISSUES OUTSTANDING

BRIDGE BONDS

Year	Ordinance No.	Authority	Date of Approval
1966	Ch. 1756	P. L. 1964, ch. 81	4-25-66

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APPENDIX C

EMERGENCY HOUSING BONDS

Year	Ordinance No.	Authority	Date of Approval
1949	Ch. 245	P. L. 1946, ch. 1750	
		P. L. 1947, ch. 1859	
		P. L. 1948, ch. 2069	4- 8-49
1950	Ch. 398	P. L. 1947, ch. 1750	
		P. L. 1948, ch. 1859	
		P. L. 1950, ch. 2069	6- 5-50

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APPENDIX C

FIRE DEPARTMENT—BONDS FOR MODERNIZING

Year	Ordinance No.	Authority	Date of Approval
1949	Ch. 325	P. L. 1945, ch. 1617	
		P. L. 1947, ch. 1858	12-16-49
1950	Ch. 394	P. L. 1945, ch. 1617	
		P. L. 1947, ch. 1858	6- 5-50
	Ch. 395	P. L. 1949, ch. 2188	6- 5-50
1952	Ch. 609	P. L. 1950, ch. 2587	5-19-52

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APPENDIX C

FUNDING BONDS

Year	Ordinance No.	Authority	Date of Approval
1940	Ch. 1000	P. L. 1940, ch. H1006	4-15-40
1941	Ch. 1062	P. L. 1941, ch. 1090	5-12-41

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APPENDIX C

HIGHWAY BONDS—CONSTRUCTION AND RECONSTRUCTION

Year	Ordinance No.	Authority	Date of Approval
1948	Ch. 196	P. L. 1946, ch. 1738	12-17-48
1949	Ch. 327	P. L. 1946, ch. 1738	12-16-49
	Ch. 328	P. L. 1949, ch. 2189	12-16-49
1950	Ch. 399	P. L. 1946, ch. 1738	6- 5-50
	Ch. 400	P. L. 1948, ch. 2071	6- 5-50
	Ch. 401	P. L. 1949, ch. 2243	6- 5-50
	Ch. 402	P. L. 1950, ch. 2589	6- 5-50
1952	Ch. 605	P. L. 1950, ch. 2589	5-19-52
	Ch. 606	P. L. 1951, ch. 2685	5-19-52
1953	Ch. 811	P. L. 1952, ch. 2969	12-18-53
1957	Ch. 1100	P. L. 1951, ch. 2688	3-11-57
1959	Ch. 1279	P. L. 1956, ch. 3679	8- 7-59
	Ch. 1280	P. L. 1954, ch. 3360	8- 7-59
1963	Ch. 1545	P. L. 1958, ch. 21	5-17-63
1964	Ch. 1628	P. L. 1960, ch. 104	7- 3-64
1966	Ch. 1763	P. L. 1964, ch. 83	4-25-66

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APPENDIX C

HURRICANE BONDS

Year	Ordinance No.	Authority	Date of Approval
1939	Ch. 982	P. L. 1939, ch. 774	6-16-39
1954	Chs. 875, 876	P. L. 1902, ch. 1017	
		P. L. 1943, ch. 1266	
		P. L. 1955, ch. 3545	9- 3-54
1964	Ch. 1625	P. L. 1959, ch. 109	7- 3-64
1966	Ch. 1766	P. L. 1959, ch. 109	4-25-66

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APPENDIX C

INCINERATOR AND SLUDGE DISPOSAL BONDS

Year	Ordinance No.	Authority	Date of Approval
1948	Ch. 195	P. L. 1946, ch. 1737	12-17-48
1950	Ch. 396	P. L. 1946, ch. 1737	
		P. L. 1948, ch. 2072	
		P. L. 1949, ch. 2185	6- 5-50
	Ch. 397	P. L. 1946, ch. 1737	
		P. L. 1948, ch. 2072	
		P. L. 1949, ch. 2244	6- 5-50
1966	Ch. 1764	P. L. 1963, ch. 32	4-25-66

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APPENDIX C

MUNICIPAL DOCK IMPROVEMENT AND EXTENSION BONDS

Year	Ordinance No.	Authority	Date of Approval
1963	Ch. 1544	P. L. 1954, ch. 3359	5-17-63

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APPENDIX C

MUNICIPAL WHARF SHED BONDS

Year	Ordinance No.	Authority	Date of Approval
1952	Ch. 607	P. L. 1948, ch. 2073	5-19-52

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APPENDIX C

OFF-STREET PARKING BONDS

Year	Ordinance No.	Authority	Date of Approval
1961	1439	P. L. 1960, ch. 121	11-17-61

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APPENDIX C

PUBLIC IMPROVEMENT BONDS

Year	Ordinance No.	Authority	Date of Approval
1944	Ch. 1301	P. L. 1941, ch. 1091	11-17-44

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APPENDIX C

PUBLIC LIBRARY BONDS

Year	Ordinance No.	Authority	Date of Approval
1953	Ch. 810	P. L. 1947, ch. 1899 P. L. 1949, ch. 2226 P. L. 1951, ch. 2689	12-18-53

[The next page is 1473]

APPENDIX C

PUBLIC WORKS AND/OR MUNICIPAL GARAGE AND WAREHOUSE BONDS

Year	Ordinance No.	Authority	Date of Approval
1957	Ch. 1097	P. L. 1952, ch. 2970	3-11-57
1960	Ch. 1364	P. L. 1959, ch. 17	10- 7-60

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APPENDIX C

P.W.A. DOCKETS

Year	Ordinance No.	Authority	Date of Approval
1934	Ch. 892	P. L. 1933, ch. 2136 P. L. 1934, ch. 2078	12- 7-34

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APPENDIX C

RECREATIONAL FACILITIES BONDS

Year	Ordinance No.	Authority	Date of Approval
1949	Ch. 246	P. L. 1946, ch. 1739	4- 8-49
1958	Ch. 1182	P. L. 1950, ch. 2591	2-24-58
1961	Ch. 1440	P. L. 1958, ch. 20	11-17-61
1964	Ch. 1627	P. L. 1960, ch. 106	7- 3-64

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APPENDIX C

REDEVELOPMENT BONDS

Year	Ordinance No.	Authority	Date of Approval
1957	Ch. 1102	P. L. 1956, ch. 3654	3-11-57
1960	Ch. 1361	P. L. 1956, ch. 3654	10- 7-60
	Ch. 1362	P. L. 1956, ch. 3654	10- 7-60
1961	Ch. 1441	P. L. 1956, ch. 3654	11-17-61
1963	Ch. 1543	P. L. 1956, ch. 3654	5-17-63
1964	Ch. 1626	P. L. 1956, ch. 3654	7- 3-64
1966	Ch. 1757	P. L. 1956, ch. 3654	4-25-66
	Ch. 1760	P. L. 1956, ch. 3654	4-25-66

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APPENDIX C

REFUNDING BONDS

Year	Ordinance No.	Authority	Date of Approval
1941	Ch. 1061	P. L. 1941, ch. 1089	5-12-41
1942	Ch. 1147	P. L. 1941, ch. 1089	7-11-42
1943	Ch. 1203	P. L. 1941, ch. 1089	9-17-43
1944	Ch. 1260	P. L. 1941, ch. 1089	6- 2-44
1945	Ch. 1352	P. L. 1941, ch. 1089	6-11-45
1946	Ch. 1486	P. L. 1945, ch. 1664	6- 7-46
1947	Chs. 1638, 1653	P. L. 1945, ch. 1664	7-11-47
1948	Ch. 85	P. L. 1945, ch. 1664	5-21-48
1949	Ch. 247	P. L. 1945, ch. 1664	4- 8-49

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APPENDIX C

SANITATION BONDS

Year	Ordinance No.	Authority	Date of Approval
1966	Ch. 1764	P. L. 1964, ch. 84	4-25-66

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APPENDIX C

SCHOOL BONDS

Year	Ordinance No.	Authority	Date of Approval
1931	Ch. 819	P. L. 1897, ch. 510	
		P. L. 1929, ch. 1442	
		P. L. 1930, ch. 1630	5- 6-31
1932	Ch. 832	P. L. 1897, ch. 510	
		P. L. 1929, ch. 1442	
		P. L. 1930, ch. 1630	
		P. L. 1931, ch. 1808	3-23-32
	Ch. 839	P. L. 1897, ch. 510	
		P. L. 1925, ch. 690	
		P. L. 1926, ch. 871	
		P. L. 1927, ch. 1080	6- 8-32
1933	Ch. 853	P. L. 1897, ch. 510	
		P. L. 1929, ch. 1442	
		P. L. 1930, ch. 1630	
		P. L. 1931, ch. 1808	2-17-33
1934	Ch. 865	P. L. 1897, ch. 510	
		P. L. 1927, ch. 1080	
		P. L. 1929, ch. 1442	
		P. L. 1930, ch. 1630	
		P. L. 1931, ch. 1808	2- 7-34
1948	Ch. 194	P. L. 1947, ch. 1898	12-17-48
1949	Ch. 326	P. L. 1947, ch. 1898	12-16-49
1953	Ch. 812	P. L. 1950, ch. 2559	12-18-53
1957	Ch. 1098	P. L. 1954, ch. 3250	3-11-57
1958	Ch. 1179	P. L. 1951, ch. 2683	2-24-58
1959	Ch. 1277	P. L. 1956, ch. 3638	8- 7-59
	Ch. 1278	P. L. 1956, ch. 3639	8- 7-59
1960	Ch. 1363	P. L. 1958, ch. 22	10- 7-60
1961	Ch. 1438	P. L. 1959, ch. 141	11-17-61
	Ch. 1442	P. L. 1958, ch. 23	11-17-61
1962	Ch. 1451	P. L. 1958, ch. 23	2- 2-62
1966	Ch. 1758	P. L. 1962, ch. 177	4-25-66
	Ch. 1759	P. L. 1964, ch. 155	4-25-66
	Ch. 1761	P. L. 1947, ch. 1898	4-25-66
	Ch. 1762	P. L. 1947, ch. 1898	4-25-66

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APPENDIX C

SEWER BONDS

Year	Ordinance No.	Authority	Date of Approval
1949	Ch. 329	P. L. 1949, ch. 2190	12-16-49
1952	Ch. 608	P. L. 1951, ch. 2684	5-19-52
1953	Ch. 813	P. L. 1952, ch. 2968	12-18-53
1957	Ch. 1101	P. L. 1951, ch. 3251	3-11-57
1958	Ch. 1180	P. L. 1953, ch. 3049	2-24-58
	Ch. 1181	P. L. 1953, ch. 3049	2-24-58
1959	Ch. 1281	P. L. 1956, ch. 3657	8- 7-59
1963	Ch. 1546	P. L. 1956, ch. 3680	5-17-63
1964	Ch. 1629	P. L. 1960, ch. 103	7- 3-64
1966	Ch. 1765	P. L. 1964, ch. 82	4-25-66

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APPENDIX C

TRAFFIC SIGNAL AND TRAFFIC CONTROL BONDS

Year	Ordinance No.	Authority	Date of Approval
1957	Ch. 1099	P. L. 1950, ch. 2594	3-11-57

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APPENDIX C

UNEMPLOYMENT RELIEF BONDS

Year	Ordinance No.	Authority	Date of Approval
1940	Ch. 1027	P. L. 1940, ch. 835	9-24-40
1941	Ch. 1052	P. L. 1940, ch. 835	2-24-41
1943	Ch. 1173	P. L. 1940, ch. 835	3- 6-43

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APPENDIX C

WAR MEMORIAL BONDS

Year	Ordinance No.	Authority	Date of Approval
1932	Ch. 841	P. L. 1923, ch. 2376	6- 8-32

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APPENDIX C

WATER SUPPLY BONDS

Year	Ordinance No.	Authority	Date of Approval
1921	Ch. 310	P. L. 1915, ch. 1278	12- 9-21
1922	Ch. 322	P. L. 1915, ch. 1278	3- 9-22
	Ch. 334	P. L. 1915, ch. 1278	9-23-22
1923	Ch. 387	P. L. 1915, ch. 1278	12-10-23
1924	Ch. 420	P. L. 1915, ch. 1278	9-13-24
1925	Ch. 470	P. L. 1915, ch. 1278	6- 2-25
1927	Ch. 592	P. L. 1915, ch. 1278	11-18-27
1932	Ch. 840	P. L. 1915, ch. 1278	6- 8-32
1962	Ch. 1487	P. L. 1960, ch. 92	9- 7-62
	Ch. 1486	P. L. 1960, ch. 102	9- 7-62

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APPENDIX D

PUBLIC LAWS RELATING TO THE CITY*

A

Acquisition of Building and Land
Authority to acquire property for use by state agencies ..... P. L. 1955, c. 3413
Ambulances
Right-of-way for ambulances ..... P. L. 1899, c. 607, Feb. 21
Animals and Fowl
Animals at large ..... P. L. 1845, Jan. 16; P. L. 1863, c. 458, March 14; P. L. 1872, c. 988, April 26
City council to fix fees of dog officers ..... P. L. 1897, c. 453, May 18
Homeless stray cats ..... P. L. 1915, c. 1277, April 8
Annexation
Land devised by Betsey Williams ..... P. L. 1873, c. 315, March 28
North Providence ..... P. L. 1873, c. 316, March 28; P. L. 1874, c. 365, March 27; P. L. 1874, c. 420, June 25; P. L. 1875, c. 425, Jan. 28; P. L. 1876, c. 523, March 31; P. L. 1879, c. 738, March 4; P. L. 1880, c. 818, April 16
Park Avenue to Cranston ..... P. L. 1907, c. 1481, April 11
Portion of Cranston ..... P. L. 1868, c. 770; June 10; P. L. 1869, c. 783, March 9; P. L. 1887, c. 653, May 6
Taken for park purposes ..... P. L. 1892, c. 1140, July 1
Portion of Johnston ..... P. L. 1898, c. 562, May 6; P. L. 1899, c. 687, May 23; P. L. 1919, c. 1810, April 16
Probate matters in ..... P. L. 1898, c. 596, June 15
Records, etc., of annexed territory ..... P. L. 1898, c. 597, June 15
To refund Johnston debt assumed by city ..... P. L. 1899, c. 690, May 25
Appropriations
Ada E. Lyons ..... P. L. 1928, c. 1246
Annie C. Robbins ..... P. L. 1925, c. 698

*Editor's note—This appendix contains the Public Laws of the State of Rhode' Island relating to the City of Providence, from 1797 to date, classified according to subject matter. For those Public Laws included in Part I of this publication, "Charter Laws", see the Disposition Table immediately following Part I.

Annie E. Jackson ..... P. L. 1941, c. 1095
Annie Williams ..... P. L. 1934, c. 2138
Barbara O'Grady ..... P. L. 1935, c. 2277
Bridget Cahir ..... P. L. 1941, c. 1093
Catherine A. Flynn and Catherine L. O'Brien ..... P. L. 1928, c. 1248
Celebration of three hundredth anniversary
of city ..... P. L. 1936, c. 2461
Deeper Waterways Association ..... P. L. 1910, c. 598, April 14
Domenica Zangari ..... P. L. 1941, c. 1094
Edward Williams or his wife ..... P. L. 1944, c. 1393
Evangeline Silva ..... P. L. 1934, c. 2137
Filomeno Caputo ..... P. L. 1937, c. 2503
George W. Brown ..... P. L. 1928, c. 1251; P. L. 1932, c. 1967
Guiseppina Tortis ..... P. L. 1930, c. 1625
Helen Connell ..... P. L. 1938, c. 2597
Innocenzio DeClemente ..... P. L. 1949, c. 2409
James F. McCaffrey
Payment to widow ..... P. L. 1947, c. 1815
John Hutchins Cady ..... P. L. 1931, c. 1807
July Fourth appropriation ..... P. L. 1910, c. 641, Aug. 18; P. L. 1911, c. 658, March 21
Macrina Corbi ..... P. L. 1937, c. 2492
Marie Mulvey ..... P. L. 1932, c. 1964
Mary Murray ..... P. L. 1931, c. 1806
Mrs. Carlo Di Sano ..... P. L. 1930, c. 1622
Mrs. Helen M. Hogan ..... P. L. 1946, c. 1671
Mrs. Mary Mello
Payment to next of kin ..... P. L. 1942, c. 1177
Relief of flood sufferers ..... P. L. 1913, c. 985, April 29
Salary of Councilman William L. Hickey ..... P. L. 1942, c. 1163
San Francisco sufferers ..... P. L. 1906, c. 1382, April 20
Thomas Clifford
Payment to next of kin ..... P. L. 1947, c. 1827
Three hundredth anniversary of founding of
city ..... P. L. 1936, c. 2299
Use of unexpended balances of appropriations ..... P. L. 1897, c. 481, Feb. 5

Armed Service
Authorized to convey land for disabled
veterans' hospital ..... P. L. 1945, c. 1548, March 2
Citizens veteran fund ..... P. L. 1922, c. 2248
Rolls of Honor ..... P. L. 1918, c. 1618
Transfer of armory ..... P. L. 1918, c. 1685

Automobile Parking Places
Licensing ..... P. L. 1940, c. 834

B

Bathhouses ..... P. L. 1913, c. 972, April 8; P. L. 1916, c. 1406, April 10
Condemnation of land ..... P. L. 1922, c. 2240
Enlargement of bathhouse at Franklin Park ..... P. L. 1921, c. 2116
Utilizing part of Tockwotton Park ..... P. L. 1922, c. 2237

Births
Compensation for collection of statistics of births ..... P. L. 1899, c. 621, March 3

Board of Aldermen
Election: See ELECTIONS
President pro tempore ..... P. L. 1879, c. 744, March 10; P. L. 1902, c. 1012, Feb. 20

Board of Canvassers
See ELECTIONS

Board of Contract and Supply ..... P. L. 1943, c. 1285
Board of Public Safety ..... P. L. 1917, c. 1558; P. L. 1931, c. 1710
Transferring duties ..... P. L. 1935, c. 2186

Bonded Debt
City Debt Bonded ..... P. L. 1855, June 15
Municipal indebtedness ..... P. L. 1878, c. 666, April 10

Bonds ..... P. L. 1947, c. 1898; P. L. 1962, c. 166; P. L. 1963, c. 106
Approval of voters required for issuance ..... P. L. 1943, c. 1266
Bonds for balance of indebtedness ..... P. L. 1878, c. 701, May 30
Bonds of Springfield R. R. Co. ..... P. L. 1872, April 11
Bonds to be paid in gold ..... P. L. 1894, c. 1290, April 13
City hall ..... P. L. 1875, c. 436, Feb. 19
City treasurer may issue bonds, when ..... P. L. 1893, c. 1234, May 3
Fire department: See that title
Funding purposes ..... P. L. 1933, c. 2067; P. L. 1934, c. 2135; P. L. 1935, c. 2225; P. L. 1938, c. 2634; P. L. 1939, c. 774; P. L. 1940, c. 837; P. L. 1941, cc. 1090, 1091
Garages: See that title
Highways: See that title
Housing projects
Issuance for aiding housing authority ..... P. L. 1946, c. 1750; P. L. 1947, c. 1859; P. L. 1948, c. 2069; P. L. 1950, c. 2577
Hurricane barrier: See that title
Hurricane relief: See HURRICANE DAMAGE

Immediate suit on water bonds ..... P. L. 1871, c. 941, March 24
Incinerator plant and sewage disposal plant: See INCINERATOR PLANT
Issuance of coupon bonds in place of registered bonds ..... P. L. 1944, c. 1434
Libraries: See that title
Municipal wharf at Field's Point. See: WHARVES
Parks and recreation: See that title
Public welfare administration building ..... P. L. 1965, c. 46; P. L. 1965, c. 160
Public works-highway office building and garage ..... P. L. 1959, c. 17
Refunding ..... P. L. 1941, c. 1089; P. L. 1945, c. 1664, April 27
Registration of bonds ..... P. L. 1869, c. 739, March 12
Sanitation: See that title
Schools: See that title ..... P. L. 1899, c. 688, May 3
Sewer bonds: See SEWERS
Authorizing issuance: See SEWERS
Streets, sidewalks and bridges: See that title
Bond issues for highway purposes: See HIGHWAYS
Traffic signal installation and traffic control: See TRAFFIC
Unemployment relief ..... P. L. 1940, c. 835
War bonds ..... P. L. 1862, c. 441, Sept. 6
Water: See that title
Distribution reservoir: See WATER
Improvement to water purification works: See WATER
Improvements to water purification works in Scituate, Rhode Island: See WATER
Payable in gold ..... P. L. 1872, c. 967, Jan. 25; P. L. 1876, c. 573, June 14
Water bonds ..... P. L. 1875, c. 430, Feb. 16; P. L. 1876, c. 528, April 12; P. L. 1891, c. 945, April 30
Welfare and relief purposes: See WELFARE
Wharf and dock improvements: See WHARVES
Bootblacks ..... P. L. 1885, c. 501, April 24
Boundaries
Annexation: See ANNEXATION
Commission to readjust ward lines ..... P. L. 1900, c. 798, June 13
Eighth and Ninth Representative Districts ..... P. L. 1918, c. 1612
Johnston boundary line ..... P. L. 1891, c. 999, May 29
North Providence Boundary Line ..... P. L. 1861, c. 362, March 5; P. L. 1866, c. 618, Feb. 6
Voting districts ..... P. L. 1930, c. 1525
Wards and voting districts ..... P. L. 1936, c. 2465
Bridges
See STREETS, SIDEWALKS AND BRIDGES

Brown University
Authorized to build conduit with consent of city council ..... P. L. 1895, c. 1398, May 22
Authorizing Brown University to build conduit under Prospect Street ..... P. L. 1901, c. 874, March 14
Subways under certain streets ..... P. L. 1908, c. 1607, April 15

Budget Director ..... P. L. 1943, c. 1270

Building Law ..... P. L. 1878, c. 688, April 12; P. L. 1895, cc. 1406, 1411, May 17; P. L. 1897, c. 483, May 4; P. L. 1908, c. 1603, April 28; P. L. 1909, c. 472, April 30; P. L. 1911, c. 736, May 12; P. L. 1912, c. 869, April 26; P. L. 1916, c. 1416, April 14
Authority to enact ordinance ..... P. L. 1923, c. 2370
Building Law amended ..... P. L. 1914, c. 1107, Feb. 27; P. L. 1915, c. 1276, March 26; P. L. 1915, c. 1281, April 23
Inspector of buildings ..... P. L. 1896, c. 367, May 14

Buildings
Authority to enact building regulations ..... P. L. 1954, c. 3338; P. L. 1962, c. 125; P. L. 1966, c. 251
Dwellings
Minimum standards ..... P. L. 1956, c. 3715
Housing
Authority to raise money for projects ..... P. L. 1946, c. 1750; P. L. 1947, c. 1859; P. L. 1948, c. 2069; P. L. 1950, c. 2577
Minimum housing standards ..... P. L. 1962, c. 122; P. L. 1962, c. 251
Providence Minimum Standards Housing Act ..... P. L. 1956, c. 3715
Removal of buildings into adjoining towns ..... P. L. 1854, Feb. 24

Bureau of Police and Fire ..... P. L. 1935, c. 2275; P. L. 1936, c. 2478; P. L. 1939, c. 748
Sick leave ..... P. L. 1940, c. 838

C

Campbell, John P.
Compensation for ..... P. L. 1908, c. 1604, April 8

Caucus Law
See ELECTIONS

Cemeteries and Burials
City may take Proprietors' Burial Ground
for a public park ..... P. L. 1884, c. 431, May 2
Conveying portion of North Burial Ground ..... P. L. 1917, c. 1562
Field Burial Ground ..... P. L. 1882, c. 267, March 9
Hopkins Burial Ground for park purposes ..... P. L. 1891, c. 946, March 24
North Burial Ground ..... P. L. 1861, c. 367, March 8; P. L. 1865, c. 572, March 16; P. L. 1889, c. 781, April 25
Bequests to North Burial Ground ..... P. L. 1895, c. 1410, May 25
Loan for tomb in North Burial Ground ..... P. L. 1902, c. 1013, Feb. 27
Charter
Commission to amend ..... P. L. 1939, c. 672
Finance Act ..... P. L. 1945, c. 1665, April 27
City Clerk ..... P. L. 1913, c. 978, April 29
Act relative to department ..... P. L. 1923, c. 2371
Duties of city clerk transferred to board of
canvassers ..... P. L. 1914, c. 1113, May 4
City Controller
Election ..... P. L. 1930, c. 1634; P. L. 1940,
City Council
Election ..... P. L. 1930, c. 1634; P. L. 1940, c. 833; P. L. 1966, c. 99
Powers of city council ..... P. L. 1868, c. 719, March 5
Terms of mayor, councilmen ..... P. L. 1966, c. 99
City Hall
Bonds ..... P. L. 1875, c. 436, Feb. 19
Improvement loan ..... P. L. 1913, c. 969, Feb. 25
Loan ..... P. L. 1878, c. 687, April 12; P. L. 1895, c. 1404, Feb. 28; P. L. 1901, c. 934, Nov. 26
City Registrar
Deputy superintendent of health and deputy
city registrar ..... P. L. 1914, c. 1117, May 4
Duties and fees of city registrar ..... P. L. 1898, c. 549, May 6
City Sergeant
Deputies ..... P. L. 1917, c. 1559
City Treasurer
Election ..... P. L. 1930, c. 1629
Fees due paid to city treasurer ..... P. L. 1919, c. 1809, April 16
Civil Service
See OFFICERS AND EMPLOYEES
Columbus Day
Appropriation for ..... P. L. 1892, c. 1157, Oct. 7
Comfort Stations ..... P. L. 1906, c. 1376, March 29
Public comfort stations authorized ..... P. L. 1910, c. 596, March 8

Commissioner of Public Safety
Authority to make rules and regulations concerning sick leave for patrolmen and firemen ..... P. L. 1955, c. 3449
Commissioner of Public Works
See PUBLIC PROPERTY AND PUBLIC WORKS
Commissioners of Sinking Funds
See SINKING FUNDS
Conduits
See POLES, WIRES AND OTHER INSTALLATIONS
Constables ..... P. L. 1878, c. 685, April 12; P. L. 1880, c. 823, May 27
Appointment, etc. ..... P. L. 1928, c. 1250
Special constables ..... P. L. 1845, Jan. 16
Contracts
Special city contracts authorized ..... P. L. 1909, c. 469, April 6
Cotton Waste ..... P. L. 1847, June 25
Councilmen
Terms of office ..... P. L. 1966, c. 99
Courthouse Commission
Acquiring land ..... P. L. 1929, c. 1345
Powers and duties ..... P. L. 1929, c. 1360
Courts
City court
Hire of money to buy land adjoining city yard ..... P. L. 1896, c. 426, Oct. 2
Fees ..... P. L. 1965, c. 146
Fees in probate courts ..... P. L. 1932, c. 1970
Marriage
Justice of police court ..... P. L. 1933, c. 2042
Municipal court ..... P. L. 1929, c. 1444; P. L. 1925, c. 692
Municipal court and police court ..... P. L. 1896, c. 371, May 13
Police court ..... P. L. 1929, c. 1446; P. L. 1944, c. 1461; P. L. 1956, c. 3807
Probate court ..... P. L. 1944, c. 1482; P. L. 1954, c. 3340
Fees ..... P. L. 1932, c. 3340
Probate matters in annexed portion of Johnston ..... P. L. 1898, c. 596, June 15
Probation officers ..... P. L. 1899, c. 664, May 23; P. L. 1903, c. 1116, April 17
Surety for costs not required ..... P. L. 1866, c. 636, Feb. 6
Cove Basin
Filling of Cove Basin ..... P. L. 1893, c. 1235, March 22
Loan ..... P. L. 1878, c. 687, April 12

Cruiser..Providence
Authorizing gift to navy ..... P. L. 1945, c. 1547, March 1

D

Dexter Asylum
Improvements at Dexter Asylum ..... P. L. 1912, c. 859, April 17; P. L. 1914, c. 1112, May 4
Director of Public Aid
Changed to director of public welfare ..... P. L. 1936, c. 2312
Election ..... P. L. 1930, c. 1629
Director of Public Safety
Duties transferred to ..... P. L. 1935, c. 2186
Director of Public Welfare ..... P. L. 1936, c. 2312
Drunkenness
Penalty for intoxication ..... P. L. 1878, c. 686, April 12
Dry-Cleaning Establishments
Registration of identification marks ..... P. L. 1954, c. 3376
Dumping Ground ..... P. L. 1931, c. 1810
Dwellings
See BUILDINGS

E

Elections
Biennial elections ..... P. L. 1912, c. 863, April 29
Board of aldermen ..... P. L. 1930, c. 1634
Board of canvassers and registration ..... P. L. 1929, c. 1320; P. L. 1931, c. 1804
Board of canvassers made returning board in municipal elections ..... P. L. 1896, c. 363, May 14
Meetings ..... P. L. 1923, c. 2309
Boundary lines of wards and voting districts ..... P. L. 1930, c. 1525; P. L. 1936, c. 2465
Canvassing rights and correcting lists of voters ..... P. L. 1929, c. 1324
Caucus law amended ..... P. L. 1912, c. 781, March 20; P. L. 1912, c. 850, May 6; P. L. 1914, c. 1038, April 21; P. L. 1914, c. 1049, April 24
City committees ..... P. L. 1912, c. 877, April 29
Conduct of elections ..... P. L. 1901, c. 829, March 21
Council ..... P. L. 1930, c. 1634; P. L. 1966, c. 99
Counting ballots ..... P. L. 1901, c. 828, March 12
Date of municipal election ..... P. L. 1896, c. 402, May 28
Discontinuance of voting machines ..... P. L. 1901, c. 916, Nov. 20; P. L. 1905, c. 1226, April 21
Duties of city clerk transferred to board of canvassers ..... P. L. 1914, c. 1113, May 4

Duties of moderators ..... P. L. 1911, c. 677, April 25
Holding of caucuses ..... P. L. 1902, c. 1078, Dec. 12; P. L. 1917, c. 1547
Mayor ..... P. L. 1930, c. 1629; P. L. 1940, c. 832; P. L. 1966, c. 99
New elections ..... P. L. 1879, c. 744, March 10
Officers and employees ..... P. L. 1930, c. 1629
Poll taxes: See TAXATION
Reapportionment of representative districts ..... P. L. 1929, c. 1317
Registration and right to vote in accordance with article XX of amendments to the constitution ..... P. L. 1929, c. 1356
Representative districts ..... P. L. 1930, c. 1526; P. L. 1936, c. 2412; P. L. 1940, c. 843
Schools
Use of school property for election purposes ..... P. L. 1931, c. 1814; P. L. 1918, c. 1681
Senatorial districts ..... P. L. 1930, c. 1526; P. L. 1936, c. 2412; P. L. 1940, c. 843
Commission to divide ..... P. L. 1939, c. 747; P. L. 1936, c. 2467
Special elections
Certain special elections excepted from election law in certain respects ..... P. L. 1948, c. 2070; P. L. 1955, c. 3526
Resolution ordering special election for senator ..... P. L. 1891, Aug. 4
Time for opening of polls ..... P. L. 1963, c. 157
Time polls close ..... P. L. 1942, c. 1210

Electricity
See POLES, WIRES AND OTHER INSTALLATIONS

Engineers and Boiler Operators
Licensing ..... P. L. 1943, c. 1364

Explosives and Inflammables
Combustible materials in buildings ..... P. L. 1898, c. 555, May 6
Dangerous substances ..... P. L. 1905, c. 1255, March 15
Gunpowder ..... P. L. 1821, Oct. 30
Storage of gasoline, etc. ..... P. L. 1922, c. 2251

F

Fences
Authority to regulate ..... P. L. 1964, c. 172
Ferries ..... P. L. 1843, Feb. 4; P. L. 1848, Jan. 18
Filling Cove Basin ..... P. L. 1888, c. 722, May 31

Finance Act ..... P. L. 1945, c. 1665, April 27
Amended ..... P. L. 1962, c. 3

Fire Department
Annuities to widows of firemen ..... P. L. 1958, c. 88
Appropriation for relief of disabled firemen and policemen ..... P. L. 1909, c. 466, March 9
Bonds
Issuance for modernizing ..... P. L. 1945, c. 1617, April 24; P. L. 1939, c. 748; P. L. 1936, 2478; P. L. 1935, c. 2275; P. L. 1940, c. 838; P. L. 1947, c. 1858; P. L. 1949, c. 2188; P. L. 1950, c. 2587
Days off for firemen ..... P. L. 1914, c. 1110, April 24; P. L. 1923, c. 2369
Diminishing danger to life ..... P. L. 1916, c. 1366, April 13; P. L. 1919, c. 1718, March 12; P. L. 1919, c. 1780, April 24
Erecting and furnishing fire station ..... P. L. 1926, c. 876
Erection of building ..... P. L. 1917, c. 1556
Fire commissioners ..... P. L. 1892, c. 1100, May 21
Fire department loan ..... P. L. 1914, c. 1105, Feb. 20
Fire station loan ..... P. L. 1902, c. 1011, Feb. 20; P. L. 1905, c. 1259, March 15; P. L. 1906, c. 1377, April 5
Hiring money
Construction of central fire station and other purposes ..... P. L. 1900, c. 799, June 13
Construction of station in vicinity of Reservoir Avenue ..... P. L. 1931, c. 1809
Erection and equipment of buildings ..... P. L. 1928, c. 1245
Fire alarm system ..... P. L. 1897, c. 484, May 14
Payment to relatives of members ..... P. L. 1932, c. 1971
Pension fund ..... P. L. 1893, c. 1232, May 16; P. L. 1938, c. 2561
Annuities to widows ..... P. L. 1958, c. 88
Permanent Firemen's Relief Association ..... P. L. 1952, S. 125
Presidents of fire department ..... P. L. 1867, c. 654, Feb. 5
Providing motor-driven fire apparatus for fire department ..... P. L. 1916, c. 1404, March 15
Purchase of fire boat ..... P. L. 1922, c. 2249
Purchasing motor-driven fire apparatus ..... P. L. 1925, c. 695
Reimbursement for persons injured by fire department ..... P. L. 1912, c. 874, April 26

Relief of disabled firemen ..... P. L. 1889, c. 782, March 14; P. L. 1896, c. 372, April 16; P. L. 1921, c. 2105; P. L. 1927, c. 1073
Retirement of members ..... P. L. 1917, c. 1551; P. L. 1913, c. 977, April 29
Annuities to widows ..... P. L. 1958, c. 88
Sick leave: See COMMISSIONER OF PUBLIC SAFETY
Taking property for use by ..... P. L. 1928, c. 1247
Underground fire alarm wires ..... P. L. 1898, c. 558, May 6

Food and Food Products
Appointment of inspector of provisions ..... P. L. 1909, c. 470, April 16
Inspector of beef and pork ..... P. L. 1833, June 29
Unwholesomeness provisions ..... P. L. 1858, c. 281, March 5

Franchises
See RAILROADS AND STREET RAILROADS, and STREETS, SIDEWALKS AND BRIDGES

Funded Loan
City authorized to issue notes until loan is funded ..... P. L. 1902, c. 1017, Jan. 29

G

Garages
Bond issue for public works garage and/or municipal garage and warehouse ..... P. L. 1952, c. 2970
Garages regulated ..... P. L. 1915, c. 1280, April 23
Municipal garage ..... P. L. 1921, c. 2109

Garbage, Trash and Ashes ..... P. L. 1931, c. 1810
Collection and disposal ..... P. L. 1926, c. 870
Collectors, licensing and regulation ..... P. L. 1961, c. 150
Equipment and facilities for collection and disposal of garbage ..... P. L. 1916, c. 1410, April 14
Plant or unit for disposal ..... P. L. 1931, c. 1810
Removal of ashes ..... P. L. 1912, c. 866, April 26
Removal of swill ..... P. L. 1906, c. 1374, March 14
Swill and house offal ..... P. L. 1877, c. 616, March 30

Golf Courses
Charges for admission and professional tournaments ..... P. L. 1941, c. 1092

H

Harbor and Harbor Lines ..... P. L. 1959, c. 94

Harbor and Port
Channel to be dredged in Seekonk River, defined ..... P. L. 1885, c. 518, April 24
Duties of harbor master ..... P. L. 1903, c. 1121, March 18
Election of harbor master ..... P. L. 1930, c. 1629

Harbor flats ..... P. L. 1837, Jan. 21
Harbor improvement ..... P. L. 1882, c. 273, March 22
Harbor lines
Bower Street to Red Bridge ..... P. L. 1901, c. 873, March 13
Crawford Street Bridge to Fox Point ..... P. L. 1879, c. 758, April 10
Crawford Street Bridge to Point Street Bridge ..... P. L. 1879, c. 771, April 11
Crawford Street to Point Street Bridge ..... P. L. 1878, c. 696, April 27
Dorrance Street Wharf to Sassafras Point ..... P. L. 1855, March 3
Field's Point to Rock Island ..... P. L. 1881, April 28
Fox Point to India Point ..... P. L. 1865, c. 557, Jan. 31; P. L. 1892, c. 1096, March 16
Fox Point to railroad bridge ..... P. L. 1890, c. 914, May 30
Defined ..... P. L. 1896, c. 424, Oct. 2
Establishment ..... P. L. 1928, c. 1241
Fox Point to railroad bridge at India Point ..... P. L. 1885, c. 476, April 10
Line near India Point ..... P. L. 1879, c. 759, April 10
Line near Sassafras and Field's Points ..... P. L. 1880, c. 819, April 16
Point Street Bridge to Henderson Street ..... P. L. 1883, c. 365, April 12
Providence River, on west side ..... P. L. 1925, c. 583
Near Field's Point ..... P. L. 1918, c. 1619
South of Field's Point (conveyance to city of shipyard site) ..... P. L. 1940, c. 839
Seekonk River
Line in river ..... P. L. 1877, June 1; P. L. 1878, April 8
Line on west side of river ..... P. L. 1870, c. 870, March 31; P. L. 1883, March 7
Harbor master ..... P. L. 1859, March 11
Duties ..... P. L. 1903, c. 1121, March 18
Election ..... P. L. 1930, c. 1629
Limits and preservation ..... P. L. 1815, Nov. 3
Loan for retaining wall ..... P. L. 1912, c. 868, April 26
Money for improvement of harbor ..... P. L. 1899, c. 689, May 26
Port wardens ..... P. L. 1855, May
Wharves: See WHARVES

Health

City registrar ..... P. L. 1925, c. 682
Deputy superintendent of health ..... P. L. 1872, c. 1002, May 31
Deputy superintendent of health and deputy city registrar ..... P. L. 1914, c. 1117, May 4

Elimination of mosquitoes ..... P. L. 1918, c. 1684

Hospitals
Addition to tuberculosis ward of
City Hospital ..... P. L. 1916, c. 1408, April 10
Appropriations
District Nursing Association ..... P. L. 1916, c. 1405, March 23; P. L. 1925, c. 687; P. L. 1934, c. 2134
Homeopathic Hospital ..... P. L. 1913, c. 971, April 8
Miriam Hospital ..... P. L. 1927, c. 1075
Providence Lying-In Hospital and St. Joseph's Hospital ..... P. L. 1904, c. 1168, Feb. 11
Rhode Island Hospital ..... P. L. 1890, c. 871, May 2
R. I. Hospital ..... P. L. 1904, c. 1167, Feb. 11
Authorized to convey land to United States as disabled veterans' hospital ..... P. L. 1945, c. 1548, March 2
Board of hospital commissioners ..... P. L. 1909, c. 467, March 31; P. L. 1935, c. 2226
City hospital loan ..... P. L. 1905, c. 1256, March 15; P. L. 1907, c. 1477, April 10; P. L. 1908, c. 1598, April 14
Contract with R. I. Hospital for hospital for contagious diseases ..... P. L. 1895, c. 1408, March 1
Elevator at Charles V. Chapin Hospital ..... P. L. 1937, c. 2490
Exempting Hope Hospital from taxation ..... P. L. 1933, c. 2054
Gift to Providence Lying-In Hospital ..... P. L. 1942, c. 1172
Hiring money for enlargement of isolation building ..... P. L. 1930, c. 1621
Hiring money for hospital purposes ..... P. L. 1928, c. 1238
Patients at psychopathic wards ..... P. L. 1929, c. 1447
Providence Floating Hospital Association ..... Resolution 1941
Superintendent of health ex officio superintendent of Charles V. Chapin Hospital ..... P. L. 1932, c. 1968
Support of Floating Hospital Association ..... P. L. 1918, c. 1682

North End Dispensary of Providence section, Council of Jewish Women ..... P. L. 1916, c. 1412, April 14

Sanitary engineer ..... P. L. 1925, c. 685

Sanitation: See that title

Superintendent of health ..... P. L. 1889, c. 780, April 26; P. L. 1925, c. 682; P. L. 1935, c. 2226
Ex officio registrar and superintendent of Charles V. Chapin Hospital ..... P. L. 1932, c. 1968
Inspector of milk ..... P. L. 1914, c. 1020, Feb. 10

Highways ..... P. L. 1829, Jan.
Bond issues ..... P. L. 1931, c. 1811; P. L. 1948, c. 2071; P. L. 1949, c. 2189; P. L. 1949, c. 2243; P. L. 1950, c. 2589; P. L. 1952, c. 2969; P. L. 1954, c. 3360; P. L. 1956, c. 3679; P. L. 1958, c. 21; P. L. 1960, c. 104; P. L. 1964, c. 83
On request of city council ..... P. L. 1862, c. 406, Jan. 28
See STREETS, SIDEWALKS AND BRIDGES
Hospitals
See HEALTH
Hotels and Boardinghouses
Authorizing tax on accommodations ..... P. L. 1946, c. 1735
House of Correction ..... P. L. 1833, Nov. 2; P. L. 1843, Oct.; P. L. 1844, Jan.; P. L. 1868, c. 755, March 25
Housing
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Hurricane Barrier
Bonds ..... P. L. 1959, c. 109
Construction authorized ..... P. L. 1960, c. 105
Hurricane Damage
Bond issue for relief ..... P. L. 1955, c. 3545

I

Incinerator Plant
Bond issue for addition ..... P. L. 1946, c. 1737; P. L. 1948, c. 2072; P. L. 1949, c. 2185; P. L. 1949, c. 2244

J

Junk and Secondhand Dealers ..... P. L. 1903, c. 1097, April 16
Junk dealers ..... P. L. 1901, c. 863, March 29; P. L. 1901, c. 871, March 8; P. L. 1902, c. 1058, Dec. 12

L

Laundry and Dry-Cleaning Establishments
See DRY-CLEANING ESTABLISHMENTS
Law Department ..... P. L. 1874, c. 408, June 17
Lectures
Free public lectures ..... P. L. 1912, c. 858, Feb. 6
Libraries
Annual payment to Elmwood Association ..... P. L. 1918, c. 1679
Annual public library appropriation ..... P. L. 1889, April 24
Bond issue for addition to central library ..... P. L. 1949, c. 2226
Licenses and Permits
Fees ..... P. L. 1922, c. 2241
Victualling houses ..... P. L. 1948, c. 2009; P. L. 1962, c. 145
Life Tenants Remaindermen
Contribution between ..... P. L. 1893, c. 1239, May 4

Lime
Storage ..... P. L. 1805, Feb. 26
Lodginghouses ..... P. L. 1902, c. 1014, March 28
Tenement and lodginghouses,
construction and operation ..... P. L. 1885, c. 502, April 24
Lumber
Piling of lumber ..... P. L. 1831, Nov. 2

M

Markets
Public market loan ..... P. L. 1914, c. 1116, May 4
Marriage
Courts
Justice of police court ..... P. L. 1933, c. 2042
Mayor
Election: See ELECTIONS
Mayor has casting vote ..... P. L. 1866, c. 599, March 13
Officers and employees
Appointment by mayor ..... P. L. 1939, c. 672
Return of veto by mayor ..... P. L. 1879, c. 744, March 10
Term of office ..... P. L. 1966, c. 99
Militia
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Milk and Milk Products ..... P. L. 1911, c. 676, April 20
Superintendent of health is
inspector of milk ..... P. L. 1914, c. 1020, Feb. 10
Monuments
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Mosquitoes
Elimination ..... P. L. 1918, c. 1684
Moving Household Goods, etc. ..... P. L. 1916, c. 1365, April 12;
P. L. 1919, c. 1726, April 10;
P. L. 1930, c. 1506

N

Newsboys ..... P. L. 1885, c. 501, April 24

O

Officers and Employees
Civil service system authorized ..... P. L. 1965, c. 111
Election: See ELECTIONS
Fees for licenses and commissions ..... P. L. 1897, c. 474, May 21
Half-holidays ..... P. L. 1907, c. 1475, March 19
Injured or disabled employees ..... P. L. 1928, c. 1239;
P. L. 1956, c. 3681
Mayor
Appointment by mayor ..... P. L. 1939, c. 672
Medals for city officers and employees ..... P. L. 1915, c. 1272, March 3
Military or naval service ..... P. L. 1917, c. 1538

Officers receiving money or fees ..... P. L. 1872, c. 978, April 25
Preservation of records ..... P. L. 1922, c. 2219
Probation officers ..... P. L. 1899, c. 664, May 23; P. L. 1903, c. 1116, April 17
Retirement ..... P. L. 1923, c. 2374; P. L. 1926, c. 873; P. L. 1950, c. 2546; P. L. 1950, c. 2557; P. L. 1952, c. 2994; P. L. 1953, c. 3155; P. L. 1954, c. 3363; P. L. 1954, c. 3373; P. L. 1955, c. 3541; P. L. 1956, c. 3682; P. L. 1959, c. 54; P. L. 1960, c. 197; P. L. 1961, c. 119; P. L. 1961, c. 137; P. L. 1962, c. 164; P. L. 1963, c. 151; P. L. 1964, c. 170; P. L. 1965, c. 25; P. L. 1965, c. 189
Retirement board for certain employees ..... P. L. 1916, c. 1411, April 14
Salaries
Council to fix by ordinance ..... P. L. 1927, c. 1074
Salaries of city officers ..... P. L. 1894, c. 1334, June 13
Salaries readjusted ..... P. L. 1913, c. 984, April 29
Stopping work at noon on Saturdays ..... P. L. 1936, c. 2413

Ordinances
Amendment and repeal ..... P. L. 1881, c. 856, April 19
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Orphan Asylum
Annual appropriation for Jewish Orphanage ..... P. L. 1935, c. 2276
City may appropriate to Orphan Asylum ..... P. L. 1914, c. 1109, April 3

P

Parking
Off-street parking facilities ..... P. L. 1949, c. 2307; P. L. 1950, c. 2514; P. L. 1956, c. 3726
Exemption from taxation ..... P. L. 1962, c. 165
Parking meters
Authorizing installation ..... P. L. 1947, c. 1830; P. L. 1960, c. 196
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Abandonment
Broadway playground ..... P. L. 1922, c. 2245
Certain land ..... P. L. 1917, c. 1561; P. L. 1919, c. 1806, April 10
Portion of Blackstone Park ..... P. L. 1945, c. 1630, April 25; P. L. 1956, c. 3716
Portion of Pleasant Valley parkway ..... P. L. 1942, cc. 1178, 1179
Authorizing purchase of land for Blackstone Park ..... P. L. 1901, c. 875, March 29
Board of recreation ..... P. L. 1913, c. 980, April 29; P. L. 1914, c. 1111, May 1

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Bond issues ..... P. L. 1950, c. 2591; P. L. 1958, c. 20; P. L. 1965, c. 118
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Borrowing $500,000.00 for parks ..... P. L. 1891, c. 943, April 30
Boundaries
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  Straightening boundary line of Roger Williams Park ..... P. L. 1931, c. 1805
  Triggs Memorial Park ..... P. L. 1932, c. 1969
Condemnation
  Authorizing condemnation ..... P. L. 1921, c. 2106
  Certain land ..... P. L. 1922, c. 2243
  Fenner Park ..... P. L. 1891, c. 998, May 29
  Park and playground purposes ..... P. L. 1922, c. 2236
  Park purposes ..... P. L. 1914, c. 1120, May 4; P. L. 1915, c. 1279, April 23; P. L. 1895, c. 1409, May 22
  Tockwotton Park ..... P. L. 1912, c. 867, April 26
Conveyance of portion of Valley Street Playground ..... P. L. 1945, c. 1616, April 24
Conveyance of property by state to city for park and recreation purposes ..... P. L. 1956, c. 3796
Conveyance of property to Providence Redevelopment Agency ..... P. L. 1958, c. 81; P. L. 1959, c. 13
Department
  Authorizing establishment of department of recreation ..... P. L. 1947, c. 1856
Discontinuance of use of certain lands on Cypress Street and Duncan Avenue ..... P. L. 1922, c. 2239
Exchange of certain land ..... P. L. 1919, c. 1811, April 24
Hiring money
  Building casino at Roger Williams Park ..... P. L. 1896, c. 427, Oct. 2
  For construction, etc. ..... P. L. 1930, c. 1626
  For improvement of land in ninth ward ..... P. L. 1929, c. 1448
  For park and playground purposes ..... P. L. 1917, c. 1553; P. L. 1929, c. 1439; P. L. 1936, c. 2300
  For purchase and improvement ..... P. L. 1923, c. 2373
  For Roger Williams and Blackstone Parks ..... P. L. 1896, c. 425, Oct. 2
  Furnishing casino at Roger Williams Park ..... P. L. 1898, c. 525, Feb. 16
Hopkins Burial Ground for park purposes ..... P. L. 1891, c. 946, March 24
Improvement of Davis Park ..... P. L. 1896, c. 365, April 28
Land for Roger Williams Park ..... P. L. 1891, c. 1018, July 24

Land for Tockwotton Park ..... P. L. 1890, c. 876, March 11
Loans ..... P. L. 1891, c. 993, May 28; P. L. 1902, c. 1075, Dec. 4; P. L. 1906, c. 1381, April 19; P. L. 1913, c. 981, April 29
Davis Park loan ..... P. L. 1893, c. 1229, March 7
Park purposes ..... P. L. 1895, c. 1401, May 22
Roger Williams and Blackstone Parks ..... P. L. 1893, c. 1230, April 19
To buy land for parks ..... P. L. 1894, c. 1291, May 1
Metropolitan Marine Park ..... P. L. 1916, c. 1372, April 14
Neutakoncanut Hill Park exempt from taxation ..... P. L. 1906, c. 1380, April 12
Park commissioners ..... P. L. 1878, c. 700, May 30
Commissioners of estate of Charles H. Smith ..... P. L. 1937, c. 2553
Metropolitan Park ..... P. L. 1911, c. 656, March 22
Park purposes
Commissioners of estate of Charles H. Smith ..... P. L. 1946, c. 1733
Playgrounds ..... P. L. 1911, c. 733, Feb. 3
Public garden ..... P. L. 1916, c. 1375, April 14
Purchase and equipment of land, etc. ..... P. L. 1926, c. 872
Purchase the life interests of certain persons in certain lands ..... P. L. 1916, c. 1413, April 14
Tockwotton Park ..... P. L. 1888, c. 680, March 23
Peddlers and Hawkers ..... P. L. 1902, c. 1065, Dec. 12
Peddlers' license act ..... P. L. 1901, c. 846, March 28; P. L. 1901, c. 923, Nov. 22
Pedestrian malls ..... P. L. 1962, c. 176
Playgrounds
See PARKS AND RECREATION
Plumbing
Assistant inspectors of plumbing ..... P. L. 1896, c. 368, May 15
Drainage and plumbing of buildings ..... P. L. 1895, c. 1444, May 30
Sanitary engineer ..... P. L. 1925, c. 685
Unlicensed plumbers not to advertise ..... P. L. 1909, c. 471, April 29
Poles, Wires and Other Installations
Authorizing certain construction under sidewalks ..... P. L. 1916, c. 1417, April 14
Conduits ..... P. L. 1916, c. 1418, April 14
Across Edith Street ..... P. L. 1904, c. 1203, Feb. 19
Across Middle Street ..... P. L. 1903, c. 1120, March 4
Silver Spring B. & D. Co. to build ..... P. L. 1896, c. 435, Oct. 1
Under Bullion Street ..... P. L. 1906, c. 1402, March 8
Under Central Street ..... P. L. 1913, c. 955, April 29
Under Fountain Street ..... P. L. 1913, c. 918, March 25

Under Holden Street ..... P. L. 1913, c. 916, April 1
Under Jackson Street ..... P. L. 1906, c. 1403, Feb. 16
Under Leland Street ..... P. L. 1908, c. 1606, May 21
Under Orange Street ..... P. L. 1902, c. 1074, Dec. 11
Under Peace Street ..... P. L. 1913, c. 908, Feb. 19
Under Pine Street ..... P. L. 1914, c. 1022, Feb. 20
Electric wires ..... P. L. 1880, c. 804, April 8
To place city wires underground ..... P. L. 1888, c. 670, Feb. 28
Hiring money for placing underground ..... P. L. 1921, c. 2117
Loan for placing wires underground ..... P. L. 1911, c. 735, May 2
Pines
Under Allen's Avenue ..... P. L. 1907, c. 1511, March 21
Under Hartford Avenue ..... P. L. 1914, c. 1027, March 27

Police
Annuities to widows of policemen ..... P. L. 1958, c. 88
Bureau of police and fire: See that title
Chief of police ..... P. L. 1867, c. 693; March 16
Constables: See CONSTABLES
Days off for policemen ..... P. L. 1911, c. 716, May 12; P. L. 1913, c. 975, April 22; P. L. 1914, c. 1108, March 13
Hiring, $40,000 for police station and stable ..... P. L. 1900, c. 801, June 13
Loans
Loan for Central Police Station ..... P. L. 1892, c. 1139, June 3
Additional loan ..... P. L. 1893, c. 1233, May 25
Police department loan ..... P. L. 1914, c. 1114, May 4
Lost or stolen property in hands of police ..... P. L. 1875, c. 502, June 18
Officers given personal recognizance ..... P. L. 1929, c. 1437
Payment to relatives of members ..... P. L. 1932, c. 1971
Pension fund ..... P. L. 1893, c. 1232, May 16; P. L. 1921, c. 2107; P. L. 1938, c. 2561
Annuities to widows ..... P. L. 1958, c. 88
Providence Protective Department ..... P. L. 1905, c. 1261, April 20
Police commissioners ..... P. L. 1925, c. 699
Amendment to board of police commissioners ..... P. L. 1917, c. 1550
Establishment of board of police commissioners ..... P. L. 1901, c. 930, Nov. 22
Police Commission Act ..... P. L. 1906, c. 1379, April 6
Police Commission amendment ..... P. L. 1911, c. 734, April 18; P. L. 1912, c. 864, March 26; P. L. 1912, c. 871, April 26; P. L. 1913, c. 976, April 29

Relief of disabled policemen ..... P. L. 1889, c. 782, March 14; P. L. 1896, c. 372, April 16; P. L. 1927, c. 1073
Appropriation ..... P. L. 1909, c. 466, March 9
Second precinct station ..... P. L. 1928, c. 1243; P. L. 1930, c. 1623
Sick leave ..... P. L. 1940, c. 838
Commissioner of public safety: See that title
Supplying police department with motor vehicles ..... P. L. 1916, c. 1409, April 14

Poor
Annual appropriation for Jewish Orphanage ..... P. L. 1935, c. 2276
City may appropriate to Orphan Asylum ..... P. L. 1914, c. 1109, April 3
Deputy overseer of poor ..... P. L. 1915, c. 1275, March 3

Powers of City ..... P. L. 1963, c. 104

Private Ways ..... P. L. 1822, Jan. 22

Protection of Life and Property ..... P. L. 1917, c. 1548

Providence College ..... P. L. 1938, c. 2575

Providence Finance Act of 1945 ..... P. L. 1945, c. 1665, April 27

Public Administrator ..... P. L. 1876, c. 567, June 2; P. L. 1950, c. 2596

Public Celebrations and Band Concerts
Appropriations for ..... P. L. 1899, c. 660, May 10

Public Property and Public Works
Appropriations for relief of disabled employees of public works department ..... P. L. 1909, c. 465, March 9
Bathhouses: See BATHHOUSES
Board of public works ..... P. L. 1875, c. 431, Feb. 18; P. L. 1876, c. 549, April 20
Buildings and improvements erected by United States at Field's Point ..... P. L. 1919, c. 1808, April 15
Central heating plant ..... P. L. 1922, c. 2235
Commissioner of public buildings ..... P. L. 1913, c. 973, April 11
Commissioner of public works
Deputy commissioner ..... P. L. 1915, c. 1270, Feb. 17; P. L. 1925, c. 691
May employ agents ..... P. L. 1913, c. 970, Feb. 28
May employ secretary ..... P. L. 1889, c. 813, May 31
Mayor to appoint ..... P. L. 1890, c. 869, May 1
Office created ..... P. L. 1888, c. 677, March 23
Salaries of agents and servants ..... P. L. 1921, c. 2110
Secretary ..... P. L. 1921, c. 2111
Department of public works ..... P. L. 880, c. 815, April 15; P. L. 1885, c. 530, May 29; P. L. 1939, c. 672

Hiring money for improvement of land near Field's Point for use by department of public works ..... P. L. 1928, c. 1244
Relief of employees of department ..... P. L. 1912, c. 870, April 26
Repairs ..... P. L. 1919, c. 1807, April 15
Superintendent of public buildings ..... P. L. 1871, c. 942, March 23

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Railroads and Street Railroads
Abandonment of passenger station ..... P. L. 1892, c. 1041, March 8
Abolition of certain grade crossings ..... P. L. 1915, c. 1282, April 23; P. L. 1901, c. 931, Nov. 22; P. L. 1911, c. 737, May 12
Act requiring Providence Cable Tramway Co. and Union R. R. Co. to make payments to city ..... P. L. 1893, May 23
Bonds of Springfield R. R. Co. ..... P. L. 1872, April 11
Certificates
Railways to file certain certificates ..... P. L. 1901, c. 918, Nov. 21
Franchise
Narragansett Electric Lighting Co. ..... P. L. 1892, May 19
Union Railroad Co. ..... P. L. 1892, May 3
Free transfers ..... P. L. 1902, c. 965, March 28; P. L. 1902, c. 1008, April 4
Grants to railroads ..... P. L. 1848, May 4; P. L. 1845, May 9
Hiring money for erection of railroad bridge ..... P. L. 1929, c. 1445
Providence and Springfield R. R. Co. ..... P. L. 1882, March 1
Providence Cable Tramway Co. may use electricity as motive power ..... P. L. 1893, May 17
Railroad passenger station and approaches ..... P. L. 1890, c. 868, March 28
Rhode Island Company: See RHODE ISLAND COMPANY
Tax on street railways ..... P. L. 1898, c. 580, June 15
Telephone booths in highways ..... P. L. 1917, c. 1554
Track in East River Street authorized ..... P. L. 1903, c. 1119, March 3
Union Railroad
Franchises ..... P. L. 1900, c. 737, April 20
To establish system of free transfers, when ..... P. L. 1896, c. 373, May 7
To make new contracts with Union R. R. Co. in re transfer tickets ..... P. L. 1895, c. 1403, April 11
Recorder of Deeds ..... P. L. 1925, c. 684
Act of recorder of deeds validated ..... P. L. 1893, c. 1237, March 15
Deputy recorder of deeds ..... P. L. 1885, c. 528, May 29
Reform School
Transferred to state ..... P. L. 1880, c, 817, April 16

Relief of Earthquake Sufferers in Italy ..... P. L. 1909, c. 463, Jan. 12
Relocation Payments
Authorized ..... P. L. 1962, c. 32; P. L. 1962, c. 90
Representative Districts ..... P. L. 1914, c. 1060, May 1; P. L. 1930, c. 1526; P. L. 1936, c. 2412; P. L. 1940, c. 843.
Dividing cities and towns into representative districts ..... P. L. 1910, c. 640, Aug. 22
Reapportionment ..... P. L. 1929, c. 1317
Retirement
See OFFICERS AND EMPLOYEES
Reward
Arrest of Lorenz ..... P. L. 1913, c. 986, April 29
Rhode Island Company
Approval of increase in fares ..... P. L. 1918, c. 1624
Investigation of affairs ..... P. L. 1918, cc. 1614, 1615

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Salaries
See OFFICERS AND EMPLOYEES
Sale of Land
City may sell land in Brook Street district ..... P. L. 1882, c. 281, March 24
Sanitation
Bonds
Buildings and equipment ..... P. L. 1964, c. 84
Schools
Attendance of children in public schools ..... P. L. 1898, c. 587, June 15
Bond issues ..... P. L. 1899, c. 688, May 3; P. L. 1950, c. 2559; P. L. 1954, c. 3250; P. L. 1956, c. 3638; P. L. 1956, c. 3639; P. L. 1958, cc. 22, 23, 24; P. L. 1959, c. 141
Improving school properties ..... P. L. 1940, c. 841
Modernization, construction and/or acquisition of land ..... P. L. 1964, c. 155; P. L. 1966, c. 18
School purposes ..... P. L. 1962, c. 177; P. L. 1962, c. 185
Building and furnishing new schoolhouses ..... P. L. 1916, c. 1403, March 1; P. L. 1925, c. 690
Condemnation of land for schools ..... P. L. 1915, c. 1273, March 3
Disposal of school properties ..... P. L. 1915, c. 1274, March 3
Elections
Use of school property for election purposes ..... P. L. 1931, c. 1814; P. L. 1918, c. 1681
Evening schools
To borrow money for evening schools ..... P. L. 1899, c. 634, Feb. 21

Gymnasium ..... P. L. 1922, c. 2242; P. L. 1923, c. 2377
Hiring money
For building schoolhouses and buying land therefor ..... P. L. 1896, c. 364, April 24
For schoolhouses and lots ..... P. L. 1897, c. 510, May 27
For school purposes ..... P. L. 1926, c. 871; P. L. 1927, c. 1080; P. L. 1929, c. 1442; P. L. 1930, c. 1630; P. L. 1931, c. 1808
For two senior high schools ..... P. L. 1934, c. 2136
Land for school purposes ..... P. L. 1895, c. 1402, Feb. 28
Loans
High school loan ..... P. L. 1878, c. 687, April 12
School furnishings ..... P. L. 1907, c. 1478, April 17
Schoolhouses and lots ..... P. L. 1891, c. 944, April 14; P. L. 1895, c. 1400, Feb. 20
School loan ..... P. L. 1891, c. 995, May 28; P. L. 1893, c. 1228, April 28; P. L. 1913, c. 983, April 29; P. L. 1914, c. 1118, May 4
Management and support ..... P. L. 1954, c. 3341
Management and support (Strayer Act) ..... P. L. 1925, c. 680; P. L. 1926, cc. 874, 879; P. L. 1930, c. 1633; P. L. 1931, c. 1813
Sanitation
To supply schools with sanitary furnishings. Expired ..... P. L. 1898, c. 526, March 4
School committee ..... P. L. 1867, c. 649, Feb. 14; P. L. 1889, c. 778, March 14; P. L. 1891, c. 996, May 29
May educate children at Normal School ..... P. L. 1898, c. 593, June 2
Member of school committee must reside in ward ..... P. L. 1873, c. 309, Feb. 21
Powers ..... P. L. 1896, c. 420, Oct. 2
When to organize ..... P. L. 1892, c. 1103, April 21
Schoolteachers' retirement fund ..... P. L. 1897, c. 485, May 21
Taking land for school purposes ..... P. L. 1922, c. 2238
Technical High School heating plant ..... P. L. 1907, c. 1476, April 5
Use of public school properties ..... P. L. 1959, c. 7
Use of public school properties for certain purposes ..... P. L. 1916, c. 1414, April 14

Senatorial Districts ..... P. L. 1930, c. 1526; P. L. 1936, c. 2412; P. L. 1940, c. 843
Commission to divide ..... P. L. 1939, c. 747; P. L. 1936, c. 2467

Sewers
Acquiring land between Branch Avenue and Charles Street ..... P. L. 1926, c. 877
Assessments ..... P. L. 1878, c. 711, May 31; P. L. 1881, c. 899, June 3; P. L. 1926, c. 869
Authorizing charges for use of system by industrial, etc., plants and facilities ..... P. L. 1946, c. 1734
Authorizing contract with Town of North Providence for disposal ..... P. L. 1940, c. 842
Bonds ..... P. L. 1875, c. 433, Feb. 18; P. L. 1883, c. 384, June 1; P. L. 1891, c. 942, April 30; P. L. 1893, c. 1231, March 2; P. L. 1931, c. 1812
Authority to issue ..... P. L. 1936, c. 2301; P. L. 1937, c. 2520; P. L. 1932, cc. 1965, 1972; P. L. 1949, c. 2190; P. L. 1952, c. 2968; P. L. 1954, c. 3251; P. L. 1956, c. 3680
Constructing and repairing ..... P. L. 1954, c. 3251
Issue for sewer purposes ..... P. L. 1931, c. 1812; P. L. 1960, c. 103; P. L. 1964, c. 82
Sewage disposal plant ..... P. L. 1937, c. 2519; P. L. 1946, c. 1737; P. L. 1948, c. 2072; P. L. 1949, c. 2185; P. L. 1949, c. 2244; P. L. 1956, c. 3657
Sewer bonds ..... P. L. 1875, c. 433, Feb. 18; P. L. 1891, c. 942, April 30; P. L. 1893, c. 1231, March 2
Sludge incinerator ..... P. L. 1963, c. 32
Building connections inside curbline ..... P. L. 1894, c. 1336, June 12
City may regulate use of sewers ..... P. L. 1899, c. 632, Feb. 17
Connection
Neglect to connect with sewers on sewered streets ..... P. L. 1895, c. 1407, April 23
To compel sewerage connections ..... P. L. 1889, c. 777, April 25
Construction of portion of Seekonk district sewer ..... P. L. 1927, c. 1071
Contract for sewerage with Pawtucket ..... P. L. 1907, c. 1482, April 23
Cranston sewer contract ..... P. L. 1906, c. 1383, April 19
Easement of westerly side of Seekonk River ..... P. L. 1925, c. 686
Expenditure of receipts from sewer assessments ..... P. L. 1901, c. 870, Feb. 13

Hiring money
Enlarging sewage disposal plant ..... P. L. 1929, c. 1440
For sewer purposes ..... P. L. 1923, c. 2372; P. L. 1925, c. 688; P. L. 1926, c. 875; P. L. 1927, c. 1072; P. L. 1928, c. 1237; P. L. 1929, c. 1441; P. L. 1930, c. 1632
Loan ..... P. L. 1895, c. 1404, Feb. 28; P. L. 1904, c. 1169, Feb. 25; P. L. 1907, c. 1480, April 23; P. L. 1910, c. 597, March 8; P. L. 1914, c. 1106, Feb. 20
Manton Avenue sewer ..... P. L. 1922, c. 2246
Sewage disposal plant
Bond issues: See "Bonds" under this heading
Sludge incinerator
Bonds: See "Bonds" under this heading
Taking land for sewer purposes ..... P. L. 1927, c. 1079
Westerly side of Seekonk River ..... P. L. 1922, c. 2247
Sheriffs ..... P. L. 1958, c. 97
Term of office ..... P. L. 1935, c. 2185
Sinking Funds
Commissioners of sinking funds ..... P. L. 1873, c. 310, March 14
Amendment ..... P. L. 1912, c. 861, April 17
Powers and duties ..... P. L. 1944, c. 1433
State House
Acquisition of site ..... P. L. 1890, c. 913, May 30
Statues and Monuments
Admiral Hopkins statue ..... P. L. 1896, c. 366, May 14
Approach to Roger Williams monument ..... P. L. 1941, c. 1034
Appropriation
Dedication of statue of
Ebenezer Knight Dexter ..... P. L. 1894, c. 1333, May 30
Doyle monument ..... P. L. 1887, c. 611, Feb. 8
General Burnside statue ..... P. L. 1882, June 2
Relocation of monuments ..... P. L. 1902, c. 1077, Dec. 12; P. L. 1905, c. 1262, April 21
Soldiers' and sailors' monument ..... P. L. 1926, c. 756
Statue of Ebenezer Knight Dexter ..... P. L. 1894, c. 1292, March 28
World War I memorial ..... P. L. 1923, c. 2376
Steam Boilers ..... P. L. 1843, Nov.; P. L. 1875, c. 514, June 25; P. L. 1877, c. 617, March 30
Inspector of steam boilers ..... P. L. 1913, c. 974, April 11
Streets, Sidewalks and Bridges
Abandonment of certain highways ..... P. L. 1858, c. 261, Feb. 11; P. L. 1899, c. 666, May 23
Additional tax for improving ..... P. L. 1918, c. 1670
Addition to Highway Act ..... P. L. 1915, c. 1271, Feb. 26

Allen's Avenue improvement loan ..... P. L. 1905, c. 1263, April 26
Appointing disinterested men to
mark out highways ..... P. L. 1886, c. 587, April 30
Assessment to bring streets to grade ..... P. L. 1930, c. 1624
Authorizing certain constructions
under sidewalks ..... P. L. 1916, c. 1417, April 14
Bonds
Authorizing issuance ..... P. L. 1932, c. 1973; P. L. 1935, c. 2224; P. L. 1936, c. 2302; P. L. 1937, c. 2491; P. L. 1937, c. 2519; P. L. 1938, c. 2592; P. L. 1939, c. 775; P. L. 1940, c. 836
Highway purposes: See HIGHWAYS
Repair, maintenance, replacement and
reconstruction of bridges ..... P. L. 1964, c. 81
Bridges
Across Agnes Street ..... P. L. 1913, c. 917, April 2
Across Coin Street ..... P. L. 1922, c. 2305
Across Eagle Street ..... P. L. 1912, c. 873, April 26
Across Oak and Tray Streets ..... P. L. 1913, c. 954, April 29
Across Oak Street ..... P. L. 1911, c. 670, April 7
Across Power Street ..... P. L. 1912, c. 776, March 1
Across Throop Street ..... P. L. 1906, c. 1404, Feb. 20
Appropriation for Washington Bridge ..... P. L. 1884, c. 388, Feb. 15
Authorized over Middle Street ..... P. L. 1902, c. 1044, March 14
Bridge loan ..... P. L. 1902, c. 1010, Feb. 20; P. L. 1902, c. 1076, Dec. 4
Brown & Sharpe Mfg. Co. to
build bridges ..... P. L. 1900, c. 726, Feb. 9
Builders Iron Foundry
May maintain bridge over
Codding Street ..... P. L. 1902, c. 1043, March 25
May operate cars across
Codding Street ..... P. L. 1902, c. 1042, April 2
Central or Red Bridge ..... P. L. 1869, c. 820, May 28; P. L. 1898, c. 559, May 6
City to build Red Bridge ..... P. L. 1894, c. 1332, June 12
Commissioners on Washington Bridge ..... P. L. 1884, c. 449, May 29
Crawford Street Bridge ..... P. L. 1871, c. 900, Feb. 24
Hiring money for building Weybosset
Bridge and river walls ..... P. L. 1897, c. 482, April 20
Lounging on bridges ..... P. L. 1883, c. 354, March 29
Louttit Laundry to build and
maintain bridge ..... P. L. 1940, c. 844
Point Street Bridge ..... P. L. 1868, c. 772, June 10: P. L. 1870, c. 880, June 16
Loan ..... P. L. 1905, c. 1260, April 7

New draw for Point Street Bridge ..... P. L. 1925, c. 694; P. L. 1927, c. 1076
Washington Bridge ..... P. L. 1883, c. 349, March 28; P. L. 1887, c. 652, May 6
Claims ..... P. L. 1890, c. 875, March 11
Commission ..... P. L. 1923, c. 2310; P. L. 1927, c. 1012
Conveyance of certain land on ..... P. L. 1945, c. 1618, April 24
Weybosset Bridge Act amended ..... P. L. 1898, c. 556, May 6
Amended and additional work authorized, Mill Street Bridge and layout of Exchange Place ..... P. L. 1899, c. 633, Feb. 21
Coal holes guarded ..... P. L. 1901, c. 933, Nov. 22
Comfort Street closed ..... P. L. 1897, c. 478, April 30
Crawford Street improvement loan ..... P. L. 1905, c. 1258, March 15
Curbing
Certain highways ..... P. L. 1927, c. 1070
Portions of Blackstone Boulevard ..... P. L. 1927, c. 1069
Damages in widening Delaine Street ..... P. L. 1918, c. 1683
Dedication of streets ..... P. L. 1913, c. 987, May 5
Elmwood Avenue loan ..... P. L. 1913, c. 982, April 29
Establishment of highways ..... P. L. 1916, c. 1415, April 14; P. L. 1938, c. 2633
Federal Highway Act ..... P. L. 1922, c. 2158
Franchises
Act authorizing cities and towns to grant franchises in highways ..... P. L. 1891, c. 975, May 29
Grade for platted streets or ways ..... P. L. 1882, c. 322, April 21
Highway Betterment Act ..... P. L. 1854, Feb. 22; P. L. 1871, c. 921, March 24; P. L. 1872, c. 991, April 26; P. L. 1882, c. 288, March 31; P. L. 1896, c. 369, May 14
Surrender of balance of land ..... P. L. 1873, c. 317, March 28
Highway loan ..... P. L. 1887, c. 658, June 3; P. L. 1890, c. 870, May 2; P. L. 1891, c. 941, April 30; P. L. 1891, c. 994, May 28; P. L. 1893, c. 1227, March 2; P. L. 1895, c. 1399, Feb. 26; P. L. 1910, c. 599, April 16; P. L. 1912, c. 872, April 26
Highways: See that title
Highways on request of city council: See HIGHWAYS
Hiring money
Acquisition of land for highways ..... P. L. 1929, c. 1449
Erection of railroad bridge ..... P. L. 1929, c. 1445

For highway purposes. Charles Street ....P. L. 1899, c. 635, March 3; P. L. 1901, c. 876, March 29; P. L. 1929, c. 1438; P. L. 1930, cc. 1627, 1628
Paving ....P. L. 1917, c. 1557; P. L. 1918, c. 1678; P. L. 1923, c. 2375; P. L. 1928, c. 1249
Rebuilding bridges ....P. L. 1928, c. 1242
In Cove ....P. L. 1841, Oct. 27
Laying out, widening, etc. ....P. L. 1917, c. 1560
Layout of highways ....P. L. 1843, Jan. 12
Parking: See that title
Off-street parking facilities: See PARKING
Paving certain portions of Hope, Thayer and Brook Streets ....P. L. 1927, c. 1078
Paving loan ....P. L. 1912, c. 857, March 28; P. L. 1914, c. 1115, May 4
Pedestrian malls: See that title
Platted streets as public highways ....P. L. 1917, c. 1549
Rebuilding streets ....P. L. 1925, c. 700
Rededication of part of Admiral Hopkins Square ....P. L. 1938, c. 2578
Relieving congestion
Certain streets ....P. L. 1917, c. 1555
On Valley Street ....P. L. 1922, c. 2244
Shelters may be constructed from buildings over sidewalks ....P. L. 1899, c. 636, March 3
Sidewalks ....P. L. 1821, Nov. 3; P. L. 1823, Oct. 29; P. L. 1841, Jan. 18
Sprinkling streets ....P. L. 1894, c. 1293, May 11
State land for city highways ....P. L. 1901, c. 932, Nov. 22
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