

**Date Posted: July 16, 2010**

**Date of Meeting: July 20, 2010**

**Meeting: City Council**

**Address: 145 Taunton Avenue, EP, RI 02914**

**Council Chambers**

**Time: 7:30p.m.**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**July 20, 2010**

**7:00 p.m. Executive Session**

**7:30 p.m. Open Session**

## **I. EXECUTIVE SESSION**

**The City of Council will meet in Executive Session for the purposes of discussing Claims and Litigation pursuant to R.I.G.L. 42-46-5(a)(2)**

### **A. Claims Committee**

**(see concurrently posted Claims Committee Agenda)**

### **B. Update on use of City Property**

## **II. CALL TO ORDER**

## **III. INVOCATION**

## **IV. SALUTE TO THE FLAG**

## **V. TO APPROVE THE CONSENT CALENDAR**

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

### **A. Letters**

- 1. Coastal Resources Management Council Administrative Procedures Act Changes.**
- 2. Cumberland School Committee Resolutions, Fair Education Funding Formula, Contract Continuation Opposition, Binding Arbitration Opposition.**
- 3. Notice of New Property Number, Antonio Farinho, 225-227 Fifth Street, Map 017, Block 21, Parcel 008.00, Zoning Residential R6.**
- 4. Notice of New Property Number, 440 Pawtucket Avenue LLC, TD Bank NA Lease & Tax Admin, 440 Pawtucket Avenue, Map 402, Block 10, Parcel 020.00, Zoning C3.**

### **B. Alcoholic Beverage Class F**

- 1. Brian B-Lo Lundstrom Memorial Fund, 59 Brightridge Avenue (02914) July 25, 2010.**

**2. So Fresh & So Clean, 30 Highland Avenue (02914) fundraiser for Make A Wish Foundation, August 15, 2010.**

**C. Vict/Not Over 25 - Transfer**

**1. New Dairy Farm Corp to BZ Mart Smoke Shop Corporation DBA BZ Mart, 2775 Pawtucket Avenue (02914).**

**2. Jian Ya Zheng DBA Golden House to Yihe Chinese Restaurant Inc. DBA Golden House, 569 Warren Avenue (02914).**

**D. Holiday Sales – Transfer**

**1. New Dairy Farm Corp to BZ Mart Smoke Shop Corporation DBA BZ Mart, 2772 Pawtucket Avenue (02914).**

**E. Holiday Sales**

**1. Joao Roias DBA City Style, 71 Warren Avenue (02914)**

**F. Abatements**

**Year Amount**

**2010 \$44,485.04**

**2009 \$121.56**

**Total \$44,606.60**

**G. Council Journals**

**Regular Council Meeting June 15, 2010**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_

## **VI. APPOINTMENTS**

### **A. Carousel Commission –Reappointment (by Councilman Coogan)**

**Ernie Germani, 35 John Street (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **COUNCIL SITTING AS LICENSING COMMISSIONERS**

## **VII. LICENSES REQUIRING PUBLIC HEARING**

### **A. B-Ltd Vict – (Transfer)**

**From Ben Ying Chan DBA Mei Sing Chinese Restaurant to Yun Yan Chen DBA Mei Sing Chinese Restaurant, 2827 Pawtucket Avenue (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

### **B. Vict/Not Over 25 – (Transfer)**

**From Ben Ying Chan DBA Mei Sing Chinese Restaurant to Yun Yan Chen DBA Mei Sing Chinese Restaurant, 2827 Pawtucket Avenue (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

### **C. B-Full Privilege Vict – (Corporate Name Change)**

**From Cilantro Mexican Grill LLC DBA Cilantro Mexican Grill to CMG East Providence LLC DBA Cilantro Mexican Grill, 430 Newport Avenue (02916)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**D. Vict/Over 50 – (Corporate Name Change)**

**From Cilantro Mexican Grill LLC DBA Cilantro Mexican Grill to CMG East Providence LLC DBA Cilantro Mexican Grill, 430 Newport Avenue (02916)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**VIII. LICENSES NOT REQUIRING PUBLIC HEARING**

**A. Vict/Not Over 25**

**Guang Ming Li DBA Peking Station, 188 Taunton Avenue (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**IX. PUBLIC HEARING**

**A. Show Cause Hearing – Knights of Columbus, 3200 Pawtucket Avenue (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**B. Show Cause Hearing – Holy Ghost Brotherhood (Phillips Street Hall), 51 North Phillips Street (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**C. Zoning Map Amendment**

**Advertised Providence Journal – June 30, July7, July 14**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ZONING”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I. Section 19-1 entitled “Definitions” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:**

**Accessory Family Dwelling Unit means an accessory family dwelling unit in an owner-occupied, single-family residence that shall be permitted as a reasonable accommodation only for a family member(s) with disabilities. The appearance of the structure shall maintain the single-family character of the neighborhood and the accessory family dwelling unit shall remain subordinate to the principal use of the living quarters and there shall be an internal means of egress between the principal unit and the accessory family dwelling unit. See Section 19 – 202 for a description, general requirements and standards; and application process.**

**Disability means, with respect to an individual:**

- i. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;**
- ii. a record of such impairment, or being regarded as having such as impairment if the individual establishes that he or she has been subjected to an action prohibited under Chapter 42-87 Civil Rights of People with Disabilities because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity.**
- iv. an impairment under this section shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. Major Life Activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.**

**Persons with Disabilities or member or members with disabilities means a person or persons having a physical or mental impairment which substantially limits one or more major life activities as defined in R.I.G.L. 34-37-3. Disability does not include current, illegal use of or addiction to a controlled substance.**

**SECTION II. Section 19-1 entitled "Definitions" of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island,**

**1998, is amended by deleting there from the following:**

**Billboard means an outdoor advertising structure with a sign advertising products not made, sold, used or served on the premises displaying such sign including any billboard known as a “poster panel”, not to exceed dimensions of 12 feet by 25 feet and “point unit billboards,” not to exceed dimensions, exclusive of cutouts and embellishments, of 13 feet by 48 feet. Public accommodations such as transit shelters or other municipally sponsored facilities may provide for advertisements which are exempted from the above definitions and the regulations provided under section 19-98.**

**SECTION III. Subsection (b) of Section 19-5 entitled “Zoning officer responsibilities” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:**

**(9) The Zoning Officer shall require that a declarations and restrictions of approved accessory family dwelling units for a family member or members of an owner-occupied one-family dwelling shall be:**

**(1) recorded in the land evidence records at the cost of the applicant; and**

**(2) be filed with the zoning enforcement officer and the building official.**

**SECTION IV. Section 19-56 entitled “Zoning permit” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:**

**(f) The Zoning Officer shall require that a Declaration of the accessory**

**family dwelling unit\* and restrictions for a family member or members of an owner-occupied one-family dwelling shall be:**

**(1) recorded in the land evidence records at the cost of the applicant; and**

**(2) be filed with the zoning enforcement officer and the building official.**

**SECTION V. Subsection (a) of Section 19-57 entitled “Occupancy permit” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:**

**(6) (a) No occupancy of the accessory family dwelling unit shall take place without an occupancy permit that has been reviewed and approved by the Zoning Officer in advance of its issuance. No occupancy permit shall be granted for an accessory family dwelling unit\* until it is a permitted accessory use and a declaration of the accessory family dwelling unit for the family member or members and its restrictions shall be recorded in the City’s land evidence records at the cost of the applicant and filed with the zoning officer and the building official.**

**(b) Occupancy Permits shall not be transferable upon change in ownership or change in occupancy. In such event, the new owner of the single-family dwelling shall submit an affidavit to the Zoning Officer attesting to the fact that the circumstances under which the occupancy permit were granted will continue to exist. The owner of record of the subject real property is responsible for initiating each application to the Zoning Officer. Appropriate fees as established and**

posted shall be assessed for each such renewal.

**SECTION VI.** Subsection (a) of Section 19-95 entitled “Districts designated” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by making a correction to the following:

**(a) R-3 Residential 3 One-family and two-family**

[Note: The only change to this section is a correction. A previous zoning amendment prohibited two-family dwellings in the R-3 District. The R-3 District is a one-family district.]

**SECTION VII.** Division 6 entitled “Care Facilities” of Article IV entitled “Supplementary District Regulations” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:

**Sec. 19-202. Accessory Family Dwelling Units.**

**(a) Description.** This section authorizes the installation of accessory family dwelling units in owner-occupied, single-family house that shall be permitted as a reasonable accommodation only for a family member(s) with disabilities as allowed by R.I.G.L. 45-24-37 and this Chapter. The purpose of this section is to permit families to care for their family member(s) with a disability or disabilities at home if possible.

**(b) General Requirements and Standards.**

**(1.)** Only an owner, who is also an occupant, of a single-family dwelling may apply for, and maintain, an accessory family dwelling unit.

**(2.)** Only one accessory family dwelling unit shall be created on a lot.

**(3.) The accessory family dwelling unit shall be located within or attached to the principal single-family owner-occupied dwelling.**

**(4.) The design and size of the accessory family dwelling unit shall conform to all applicable standards, including health regulations, building code requirements, and all other federal, state and local laws, rules and regulations, including the provisions of this Chapter.**

**(5.) The utilities for both the principal unit and the accessory family dwelling unit shall be common to both (i.e. one electric service, one gas service, one oil tank, one water connection, and one sewer hook-up for the structure).**

**(6.) The owners of the residence in which the accessory family dwelling unit is created shall occupy one of the dwelling units, except for bona fide temporary absences not exceeding ninety (90) consecutive days or 180 days in any single year. The owner shall be responsible for documenting the period of said absence (the commencement and ending of said absence) and providing this in writing to the Zoning Officer.**

**(7.) The accessory family dwelling unit shall be designed so that the appearance of the structure remains that of a one-family residence and the accessory family dwelling unit shall remain subordinate to the principal residence. There shall be an internal means of egress between the principal unit and the accessory family dwelling unit. If possible, no exterior entrances should be added. If additional exterior entrances are required, they shall be located to the rear or side of the structure and shall be as unobtrusive as possible. Exterior staircases shall be covered or enclosed.**

**(8.) One (1) additional Off-Street Parking Space shall be provided for the accessory family dwelling unit in addition to those required for residents of the principal dwelling unit and as otherwise required by Section 19 – 284 et. seq., and it shall be provided on the premises.**

**(9.) Cessation of Use - Once the family member or members with disability no longer resides in the premises on a permanent basis, or the title to the real property is transferred, the property owner shall notify the zoning official in writing, and the accessory family dwelling unit shall no longer be permitted nor shall it be marketed as an accessory family dwelling unit, unless there is a subsequent, valid application for such a unit as allowed by R.I.G.L. 45-24-37 and this Chapter. The Applicant shall discharge the declaration of an accessory family dwelling unit recorded in the City’s Land evidence records at their expense and provide documentation of same to the Zoning Officer.**

**(c.) Submission Requirements**

**1. Submit Original Completed Application Form to the Zoning Officer and five (5) additional copies Said application will be a sworn and notarized declaration from the owner stating:**

**a. that the owner of the property will continue to occupy one of the dwelling units on a year round basis, except for bona fide temporary absence(s);**

**b. shall acknowledge that the right to use the accessory family dwelling unit terminates upon transfer of the title unless the accessory family dwelling unit is reapplied for, and;**

**c. shall identify the name of family member(s) who will occupy the**

**accessory family dwelling unit.**

**2. Submit Original Completed Declaration Form to the Zoning Officer and five (5) additional copies.**

**3. Submit Original Scaled Floor plans for the entire structure which shall show the dimensions and description of all the rooms in the structure and a detailed floor plan, drawn at a scale of one-fourth to the foot, showing the floor (s) where the changes are proposed. Said plans shall show the floor plans for both units and the means of connection between the two units, and shall also show means of ingress and egress.**

**4. Submit graphic depiction of the elevations of the structure being affected by the change.**

**5. A site plan drawn to scale, showing structures, landscaping, and driveway/parking area. One (1) additional Off-Street Parking Space shall be provided for the AFDU in addition to those required for residents of the principal dwelling unit and as otherwise required by Section 19 – 284 et. seq., and it shall be provided on the premises and shall be shown on the certified site plan.**

**6. Submit Certified Floor Plan(s) illustrating conversion back to a single-family residential unit upon ‘cessation of use’. The referenced plan(s) must illustrate the manner in which the improvements associated with the ‘accessory family dwelling unit’ will be altered, once again reflecting a single-family dwelling.**

**7. A copy of the property assessor’s information.**

**8. Application fee of two-hundred fifty dollars (\$250) payable by check to the City of East Providence.**

**9. Obtain a Finance Department report as to taxes on the property (they must be up-to-date).**

**(d.) Review and Referral. The Zoning Officer shall refer applications for accessory family dwelling units to the Director of Planning, Director of Public Works, Building Official, and Fire Chief for review and comments. The application shall be reviewed for conformance to the General Requirements and Standards.**

**e. Recording, Posting, Inspection – The applicant shall submit a Declaration of the Creation of the Accessory Family Dwelling Unit including the name for the family member(s) occupying said unit and the restrictions associated with said unit which shall be recorded in the City’s Land Evidence Records at the cost of the applicant. No occupancy of the accessory family dwelling unit shall take place without an occupancy permit that has been reviewed and approved by the Zoning Officer prior to its issuance. The Accessory Family Dwelling Unit shall be open for inspection upon request of the City as least one time annually for conformance with requirements and restrictions.**

**f. Failure to Comply. Failure to Comply with any of the provisions of this section is considered a violation of this Chapter and will be subject to enforcement and prosecution in accordance with City Charter and ordinances. In the event the owner does not cure such defects within thirty (30) calendar days following the date of such notice, the building official shall immediately revoke any certificates of occupancy or building permits and shall cite the property for a violation of this chapter. The revocation of any such accessory**

family dwelling unit permits for a family member(s) with disability made by the City shall be recorded in the City's Land evidence records by the City.

**SECTION VIII.** Division 13 of Article IV entitled "Supplementary District Regulations" of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:

[Note: The following divisions are unchanged except for a change in division number which is necessitated by using #13 for beekeeping.]

**Division 13. 14. Trailer Courts**

**Division 14. 15. Industrial Processes**

**Division 15. 16. Wireless Telephone Communications Towers and Antennas**

**Division 16. 17. Child Care Centers**

**Division 17. 18. Riverside Square Mixed Use/Downtown Overlay**

**DIVISION 13. BEEKEEPING**

**Sec. 19-316. Beekeeping.**

**(a) Description and Purpose.** The purpose of this section is to establish sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas. Where honey bees are of benefit to mankind, by providing agriculture, fruit and garden pollination services, and by furnishing honey, wax and other useful products, and gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are property located and carefully managed and maintained, the City

**allows such use as an accessory use in all zoning districts only when in accordance with this section and only when in compliance with all applicable rules and regulations of the City and State. Notwithstanding compliance with the various requirements of this section, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such a disposition as to cause a public nuisance, and/or so as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.**

**(b) Section 4- 12 et. Seq. of the Rhode Island General Laws regulates Apiculture and Section 4-12-12 requires that all apiaries in the State are registered with the Director of the Department of Environmental Management.**

**(c) As used in this section, the following words and terms shall have the meanings ascribed in Rhode Island General Laws Chapter 4-12-2 “Definitions” unless the context clearly requires otherwise:**

**1. Abandoned colony or apiary means any colony or apiary which is not currently registered and has not been registered within the preceding two (2) years and/or which the State inspector is unable to locate the owner and is unable to inspect due to conditions within the colony which render the colony or apiary uninspectable. Apiary means the assembly of one or more colonies of bees at a single location.**

**2. Apiary means any place or location where one or more colonies or nuclei of honeybees are kept.**

**3. Authorized official means the state official authorized to inspect apiaries in the state of origin of the bees being transported into or through the state.**

**4. Beekeeper means any individual, person, firm, association or corporation owning, possessing, or controlling one or more colonies of bees for the production of honey, beeswax, or byproducts, or for the pollination of crops for either personal or commercial use.**

**5. Beekeeping equipment means all hives, hive bodies, supers, frames, combs, bottom boards, covers, excluders, screens, escape boards, feeders, hive tools, slatted racks, or other devices or boxes or other containers which may have been used in the capturing or holding of swarms, and including honey which may be or have been used in or on any hive, colony, nuclei or used in the rearing or manipulation of bees or their brood.**

**6. Bees means any stage of the common honey bee (*apis mellifera*) at any stage of its life kept for the production of honey, wax, or pollination, excluding the African Honeybee (*Apis mellifera scutellata*) and any hybrids.**

**7. Colony means the bees inhabiting a single hive, nuclei or dwelling place.**

**8. Director means the director of the Rhode Island Department of Environmental Management.**

**9. Disease means American foulbrood and other infections, contagious or communicable disease affecting bees or their brood.**

**10. Eradicate means the destruction and or disinfection of infected and/or infested bees, equipment and/or pests by burring or by**

**treatment approved by the state inspector.**

**11. Feral colony means an unowned or unmanaged colony of bees existing naturally.**

**12. Hive means any man-made domicile with removable frames for keeping bees.**

**13. Inspector means a person appointed by the director of the Department of environmental Management to check for diseased conditions or pest infestations in one or more apiaries as authorized by law,**

**14. Pests means the honey bee tracheal mite, *Acrapis woodi*, and the Varroa mite, *Varroa jacobsoni*, and other arthropod pests detrimental to honey bees; and genetic strains of the Africanized bee sub species, *Apis mellifera adansonii* and/or *Apis mellifera scutellata*.**

**15. Swarms means a natural division of a colony in the process of becoming a feral colony.**

**(d) Standards and Requirements –**

**(1) Registration: As required by Rhode Island State Law, all honey bee colonies shall be registered annually with the Rhode Island Department of Environmental Management, Division of Agriculture, in compliance with their rules and regulations, and a copy of said registration shall be submitted annually to the city's Zoning Officer and Animal Control Officer.**

**(2) Beekeeping Equipment: Bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.**

**(3) Colony Densities: It is unlawful to keep more than the following number of colonies on any lot of land within the city, based upon the**

**size and/or configuration of the lot on which the apiary is located. All setbacks and other regulations shall be met.**

**(a) A lot of a minimum of 7,000 square feet – one hive.**

**(b) A lot of minimum of 7,000 square feet but 10,000 square feet or less – two hives.**

**(c) A lot of at least one-half acre (21,768 square feet) but less than one acre (43,560 square feet) – four hives.**

**(d) One acre or larger lot size – eight hives**

**(e) Regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines on which the apiary is situated, there shall be no limit to the number of colonies.**

**(4) Hive Placement: Hives shall be located in a side or rear yard only and shall be setback a minimum of ten (10) feet from any adjoining property line. Hives shall be kept as far away as possible from roads, sidewalks, and rights-of-way. Hives shall be placed on a lot so that general flight patterns avoid contact with humans and domestic animals.**

**(5) Commercial or industrial building rooftop hives or garage roof-mounted hives shall meet all applicable building codes and standards and shall apply for and receive a building permit prior to commencement of work.**

**(6) Water Source: Each beekeeper shall ensure that a convenient source of water is available to all bees at all times during the year on the lot on which the hive(s) is located so that the bees will not congregate at swimming pools, faucets, pet watering bowls, bird baths or other water sources where they may cause human, bird or**

**domestic pet contact.**

**(7) Queens:** All colonies shall be maintained with marked queens, In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly requeen the colony with another marked queen. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

**(8) Flyway Zone:** In each instance in which any colony is situated within 10 feet of a developed public or private property line on the lot upon which the apiary is situated, as measured from the nearest point of the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall or fence parallel to the property line and extending five feet beyond the hive in each direction so that all bees upon leaving the hive are forced to fly at an elevation of at least six feet above ground level over the flyway structure.

**(9) General Maintenance:** Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

**(10) Prohibited.** The keeping by any person of honeybee colonies in the city not in strict compliance with this chapter is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony not residing in a standard or

homemade hive structure which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the city by the city manager or designee. Unless such bees present an imminent threat to public safety, the Department of Environmental Management, Division of Agriculture, and the City's Animal Control Officer shall first be contacted to assess the possibility of collecting and re-locating the bees by a person or company possessing the means to safely remove said bees,

#### **Sec. 19 – 317. Certificate of Zoning Compliance Required**

No one shall engage in apiculture without first obtaining a zoning certificate as provided for in this section. A Certificate of Zoning shall not be issued until the applicant submits proof of registration of the apiary with the Rhode Island Department of Environmental Management, Division of Agriculture.

1) Information required – Applicants seeking to engage in apiculture must provide the following on the site plan and/or in accompanying documentation in conjunction with an application for a zoning certificate:

(a.) A copy of a current, valid apiary registration application to the Rhode Island Department of Environmental Management, Division of Agriculture, and proof that they have also notified and/or provided the City's Animal Control Officer with a copy of said registration application.

(b.) Property owner name and address, assessors map block and parcel and existing structures on the lot.

**(c.) Location of hive(s) showing setbacks; location of roads, sidewalks and rights-of-way in relation to the location of the hive(s).**

**(d.) Location of and manner of fencing of flyways, if required under Section 19 – 317 (b)(8).**

**(e.) Location of required water source.**

**(f.) Any other relevant information related to the operation of the apiary, if requested by the Zoning Officer**

**(g) If the hive(s) shall be located on a rooftop, the applicant shall also apply for a building permit and provide all information required for such by the Building Official.**

**2) Operation – It shall be presumed for purposes of this section that the beekeeper**

**is the person or persons who own or otherwise have the present right of possession and**

**control of the lot upon which a hive or hives are situated. The**

**Certificate of Zoning authorizing such use shall be recorded in the City’s Land Evidence Records at the expense of the applicant. This**

**shall not be changed but by a written agreement authorizing another person to maintain the colony or colonies upon the lot setting forth**

**the name, address, and telephone number of the other person who is acting as the beekeeper, which is reviewed for a Certificate of Zoning**

**and which shall then be recorded in the City’s Land Evidence records at the expense of the applicant.**

**SECTION IX. Section 19-438 entitled “Purpose and intent” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:**

**(a.) The purpose of this article is to promote and protect public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and all outdoor signs of all types. It is intended to protect property values, create a more attractive economic business climate by allowing sufficient freedom to identify and promote the availability of goods and services, enhance and protect the physical appearance of the city and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents reduce hazards that may be caused by unsafe signs, curb the deterioration of the natural environment, and enhance community development.**

**(b.) This article authorizes the regulation of signs with regard to size, lighting, layout, style, typography, and arrangements compatible with their surroundings, appropriate to the identification of individual properties, occupants, or of the community, and as appropriate to traffic safety. Authority for this article is granted under the Rhode Island General Laws Chapter 45-24. Signs and appurtenances shall be contained within the legal boundaries of the property on which the sign is located.**

**(c.) The purpose and intent of this article is to This article authorizes the installation and/or replacement and/or alteration to a sign or signs and/or requires the removal of obsolete and abandoned signs in order to provide for the orderly, and harmonious and aesthetic display of signs within the city; ensure that signs are an effective means of communication which adequately identifies uses, activities**

and enterprises for the convenience of the public; avoid the erection of signs which produce deleterious light impacts to adjoining properties and roadways; encourage a positive visual environment; create an attractive environment which is conducive to business, industry and tourism, and improve and maintain the visual quality of commercial areas, which promotes the economic interests of the city, and promote the physical health, safety and welfare of the public.

(d.) No sign shall be erected without the issuance of a building permit having first been approved by the zoning officer and/or the Development Plan Review Committee when subject to Development Plan Review or Land Development Project review. For properties located within the located with the East Providence Waterfront Special Development District and seeking permission to erect a sign or signs, applicants shall follow the processes of Article IX. Waterfront Special Development.

(e.) Rhode Island General Laws 24-7-1 "Sidewalks" grants the City the authority and power to make ordinances and regulations relative to the altering or repairing thereof, to the use, to the removal of posts, steps, and other obstructions therein, and to the maintenance and removal of awnings, signs and other structures projecting over the sidewalk. Signs shall be contained within the legal boundaries of the property on which the sign is located, and shall not be located on the public sidewalk.

(f.) The requirements of this article shall be enforced by the zoning officer in accordance with the rules, regulations and practices of the city.

**SECTION X. Section 19-439 entitled “General provisions” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:**

**Sec.19-439. Permitted Signs and General Provisions.**

**1. Permitted Signs: The following signs are permitted and are exempt from the application process provided that they are not threat to public health, safety or welfare:**

**(a) Historical designation plaques for local, State, or National designated properties or structures of historic significance.**

**(b) Church, school or other public use may have one sign, not to exceed a total area of 15 square feet.**

**(c) Real estate signs advertising sale or rent, or signs naming the builder, architect, developer or engineer of a project for which a building permit is in effect and the work is in progress, placed on the promises, not exceeding six (6) square feet. Only one residential real estate sign per lot shall be permitted. Commercial and industrial real estate signs shall be permitted for industrial and commercial properties and shall not exceed 20 square feet in area. All residential, commercial and industrial signs shall be removed within seven (7) days of the sale or lease of the property or unit, or completion of the project for which the sign was placed.**

**(d) Residence signs, not exceeding a total of two square feet, displaying the name and address of the occupant or resident of the premises or pertaining to a permitted accessory use.**

**(e) Signs prohibiting trespass, hunting, and the like, warning signs of danger, such as high voltage, and necessary public utility signs, not**

to exceed and area of two square feet.

**(f) Sponsor signs sold to advertisers, sponsors or boosters of youth sports teams or leagues which are placed within a field, stadium or arena and otherwise meet all applicable sections of city ordinances and regulations.**

**(g) Temporary signs for non-profit or charitable organizations, including exterior messages for national and state holidays, provided, however, that no such temporary sign may be erected for a period of more than 30 days. In all residential districts, such signs shall be limited to 9 square feet and setback a minimum of 10 feet from any property line.**

**(h) Traffic and other governmental signs, erected by any public safety agency in the discharge of any governmental function. Such signs may be illuminated. The city council shall have sole discretion as to the suitability of all signs erected, or to be erected on city-owned property, under lease of private enterprise, or otherwise. Any person wishing to place a sign on or over city property shall make a request to the city council.**

## **2. General provisions.**

**(a) Obsolete, abandoned, or defunct signs. Any sign advertising, or an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located and identifying a business or organization which is either defunct or no longer located on the premises must be physically removed, not just covered over, with 30 days of the business or organization closing or moving.**

**(b) Any sign authorized and/or having received prior approvals by under this article may contain a non-commercial message constituting a form of expression.**

**(c) Severability. This article and its various parts are hereby declared to be severable. If any section, clause, provision or portion of this article is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of either this article as a whole or any parts not declared invalid or unconstitutional.**

**(d) Conflict. If any part of this article is found to be in conflict with any other ordinance of the city, the most restrict or highest standard shall prevail.**

**SECTION XI. Section 19-440 entitled “Prohibited signs” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:**

**All signs that are not specifically permitted in this article, or exempt from regulation hereunder, including but not limited to the following types of signs, are prohibited:**

**(a) Captive balloon and inflatable signs. This includes signs, or portions thereof, that hold their shape by receiving a one-time or continuous supply of air or gas.**

**(b) Electronic signs. This type of sign includes, but is not limited to, electronic message boards; television screens; plasma screens; digital screens; flat screens; light emitting diode screens; video boards and screens; and holographic displays. This is not intended to prohibit the use of light bulbs, neon tubes, or other such light**

sources of internal or external illumination. , as permitted by this article.

**(c) Projected signs.** This includes signs that are formed by projecting the sign copy, image, text, and/or message into the sky or onto a surface, including but not limited to the ground or the side of a building. This includes signs that [sic] are created using projectors, light beams, lasers, holograms or holographic displays, or other such technologies.

**(d) Animated signs.** This includes signs, or portions thereof, that blink, flash, or emit, a varying intensity of color or light.

**(e) Moving, revolving or rotating signs, and banners and pennants.** This includes signs, or portions thereof, having visible moving, revolving, or rotating parts, or visible movement of any kind, or giving the illusion of movement. Such movement can be achieved by wind, electric, electronic, or any other means. This is not intended to prohibit the manual changing of channel letters or numbers when the changing is part of an approved sign or movable hands or analog clocks.

**(f) Any sign that constitutes a hazard to the public safety, health or that impedes vision or access to or from public streets, sidewalks or other places of ingress or egress.** This includes signs which, because of size, location or manner of illumination, obstruct the vision of a driver or detract from the effectiveness of traffic control devices. With the exception of traffic, regulatory, or informational signs, signs shall not use the words, “stop”, “caution”, or “danger”, and shall not incorporate red, amber, green or blue lights resembling

traffic signals or emergency vehicles, and/or shall not resemble “stop” or “yield” signs in shape or color.

**SECTION XII.** Section 19-441 entitled “Residential districts” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:

Exterior signs in all residential districts and the Open Space – district shall be non-moving and shall be lighted only by nonflashing, nonanimated illumination so arranged as to reflect light away from adjoining premises and streets and may be located in any required yard, except that the signs shall be set back from any side lot line at least the side distance required in the adjoining lot and shall not project above any roofline or extend over any sidewalk. Permitted are the following exterior signs:

(1) One sign for each household residing on the premises indicating the name of the owner or occupant and street address provided, however, that such signs shall not exceed two square feet in area, and one sign for a permitted accessory home occupation or use, or pertaining to a permitted accessory use; provided, however, that such sign shall not exceed two square feet in area.

(2) One sign not over nine square feet in area pertaining to permitted buildings, structures and uses of the premises other than dwellings and their accessory buildings.

(3) Temporary signs aggregating not over 12 square feet in area pertaining to the sale or lease of the premises on which the signs are located; provided that such sign shall be permitted for a period not exceeding one year.

**(4) Directional Signs not exceeding two square feet in area pertaining to churches, schools, institutions and other public or nonprofit uses.**

**SECTION XIII. Section 19-442 entitled “Commercial and industrial districts” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:**

**Sec. 19-442 Commercial and industrial districts Sign definitions.**

**1. Building Frontage: The maximum width of a building measured in a straight line parallel with the abutting street , or in cases of buildings perpendicular to the street frontage, the frontage shall be measured where the primary entrance(s) to the building(s) are located. All determinations of building frontage shall be made by the Zoning Officer.**

**2. Canopy. Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door entrance, window, or outdoor service area. The lowest portion of any canopy shall be not less than eight feet above the level of a sidewalk or public right-of-way. No canopy shall extend beyond a point five feet inside the curb line. There shall be no advertising on any canopy, except that the business name and street number may appear on the vertical portion of the street apron which is geometrically parallel to the building front, provided that the maximum amount of permitted signage is not exceeded. A canopy sign shall provide at least eight feet clearance to grade from the bottom edge of the canopy.**

**3. Directional/informational sign. An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy (e.g.**

parking or exit and entrance signs). The logo may not be more than 20 percent of the total sign area.

**4. Monument Sign:** a monument sign is a freestanding sign for which the sign face is supported by a continuous and solid monolithic base which extends the full length of the sign face or within one foot of the ground and whose bottom is permanently attached to the ground. One monument sign shall be allowed per lot in lieu of a freestanding sign and shall have a maximum area of 50 square feet, shall be setback a minimum of 10 feet from all property lines, and the maximum sign height shall be 8 feet.

**5. Freestanding Sign:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure, that is not an integral part of, or attached to a building, also called a pylon sign. All permanently installed freestanding signs shall be protected from vehicular circulation and parking areas. Such signs shall not exceed 20 feet in height from grade. No freestanding sign or display shall be erected so as to block or obstruct the sight line of automobiles exiting from the premises. For drive-in uses requiring a menu board, one such sign may be permitted in addition to a permitted freestanding sign, said sign shall not be larger than any permitted freestanding sign for such use.

**6. Projecting sign.** Projecting signs means a sign erected so as to project approximately perpendicular from the exterior of a building, ceiling or wall. These signs shall be restricted to one per business. Such signs shall have a clear height of eight feet above the sidewalk or other traveled way and be erected and secured in such a manner

as to preclude their becoming a safety hazard to the public. Projecting signs may not project over a public sidewalk more than three feet from the building wall.

7. **Sign structure.** The support or supports, uprights, bracing and framework which supports the sign face. In the case of a sign structure consisting of two (2) or more sign faces or projections thereof, each side shall be considered a separate sign.

8. **Sign Area.** The entire area within a single continuous perimeter enclosing all elements of a sign which are intended to be part of the visual image of the sign including spaces between letters and/or pictorial images, but not including supporting structure provided it does not contain advertising text or images. When a sign has two or more faces, the area of all faces shall be included in determining the sign area.

9. **Sign height.** No portion of any freestanding on-premises sign shall be more than twenty (20) feet above the highest elevation of the grade immediately adjacent to the sign, grade as being defined by this chapter.

10. **Wall Sign.** A wall sign is defined as a sign attached parallel to, or painted on, the vertical wall of a building exterior.

11. **Credit card signs and customary business signs** (e.g. open, closed) not exceeding 1.5 square feet in area may be affixed to the building or window and may not be counted towards the calculation of window signage.

12. **Window Sign.** A window sign is any sign affixed to, in contact

**with, or within 12 inches of a window thereof. Window signs include paper affixed to window, painted, etched on glass, or some other materials hung inside a window. Window signs permanently erected or maintained in the window of any building shall not occupy more than 25 percent of the window area of a structure, and/or 25 percent of the window area for each individual tenant in a multi-tenant structure in the C-3, C-4 or C-5 Zoning district, or shall not occupy more than 10 percent of the window area of a structure, and/or 10 percent of the window area for each individual tenant in a multi-tenant structure in the C-1, and C-2 zoning districts. Normal displays of merchandise in store windows shall not be considered signs.**

**SECTION XIV. Section 19-443 entitled “Religious and educational institution signs” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by changing the section number only and adding a new Sec. 19-443 as follows:**

**Sec. 19 – 444. Religious and educational institution signs. [Note: There is no change to this section proposed but for a new section number.]**

**Sec. 19 – 443. Permitting, Signage Allowed, and Supplemental Sign Regulations**

**1. All signs shall meet all applicable local and State building and electrical codes. Application for sign approval, sign relocation, and/or sign alteration shall be made in writing by an owner or an applicant having the legal permission of the owner of the building, structure or land to which or on which the sign is to be erected on forms prescribed and provided by the Building Division, which shall include**

**the following:**

**(a) A site plan which shall include a scale drawing of the building and lot on which the signage is proposed and shall show the position of all existing and/or proposed signs, including directional signs. Such site plan shall include the distance and relationship to all existing, proposed and/or adjoining structures or premises. The site plan shall show the location of any existing and proposed signs in relation to all property lines, right-of-way lines, and streets. The Building Official and/or Zoning Officer may require any such other information as may be reasonably necessary to administer the provisions of this ordinance relating to signs.**

**(b) Scaled drawings of all proposed signs and all specifications. Scaled drawings shall be submitted which shall show each proposed sign, including the area, height, width, thickness, illumination and material of which the sign is proposed to be constructed. This information shall include all sign specifications, including the size of letters and graphics, and a description of the sign and frame materials and colors, and associated construction and electrical specifications and details. The area of the sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open space or enclosed.**

**(c) Building permit fee.**

**2. For properties within the East Providence Special Development Waterfront Districts, refer to Article IX, of this chapter for process, standards and regulations.**

**3. A development plan review committee consisting of the Planning Director or designee, the Director of Public Works and/or the City Engineer, and the Fire Chief, in consultation with the Zoning Officer and Building Official, shall review signage for developments consisting of one structure with a gross building area of 10,000 square feet or greater or a multi-tenant development of gross building area of 10,000 square feet or greater. The Zoning Officer shall submit signage applications meeting this threshold to the development plan review committee, and the review committee shall operate under the processes of Article VIII. Development Plan Review of this Chapter. Sign applications may be referred to other city staff as appropriate, including the police chief, for review for safety and access considerations.**

**4. Issuance of Permits. If the Building Official and Zoning Officer find the proposed sign(s) to be in conformance with this chapter, a building permit shall be issued. If the erection or installation of the sign authorized under any such permit has not been started within six months from the date of the issuance of such permit, the permit shall become null and void.**

**5. Maximum permitted sign area. In all zoning districts but the residential districts, the maximum permitted area for signs on a building shall be based on the building frontage. In buildings with more than one tenant, each tenant's sign shall be based on the building frontage of each individual tenant space, as long as the total area of all signs on the buildings does not exceed the total allowable signage. Where a building fronts on two or more streets, the total**

area for signs for each building street shall be based on the building frontage for that street.

Office uses (Commercial -1, Commercial -2, and Business Technology): The maximum total area of all signs on any premises shall not exceed 1.5 square feet per every 1 feet of building frontage. Window signs shall not be included in this calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

**Section 19 – 443**

**Table 1**

**Sign Type Area (Maximum) Height (feet) Setback (feet) Projection over Public Right-of-Way (feet)**

**Canopy 1.5 square feet (s.f.) per 1 foot of building frontage -- -- --(2.)**

**Freestanding(1.) 30 s.f. per side, not to exceed 60 square feet 20**

**Maximum 5 Minimum --**

**Projecting 3 s.f. per side, not to exceed 6 square feet 3 -- Maximum 3 feet over public sidewalk (3.)**

**Roof Not Permitted -- -- --**

**Wall 60 square feet -- -- --**

**Window 10 percent of building's window area -- -- --**

**(1.) Only one freestanding sign is permitted per street frontage. A monument sign may be used in place of a freestanding sign.**

**(2.) An awning covering a window or door may extend no more than two feet over a sidewalk or an area of pedestrian activity.**

**(3.) A Projected sign shall not extend from the exterior of a building, ceiling or wall more than 5 feet from over any publicly traveled way**

other than a sidewalk.

**Section 19 – 443**

**Table 2**

**General business, highway business, and heavy business (C-3, C-4, C-5):** The maximum area of all signs on any premises shall not exceed two square feet per one foot of building frontage. Window signs shall not be included in this calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

<b>Sign Type</b>	<b>Area</b>	<b>Height (feet)</b>	<b>Setback (feet)</b>	<b>Projection over Public Right-of-Way (feet)</b>
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**Canopy** 2 square feet per 1 foot of building frontage -- -- -- (2.)

**Freestanding (1)** 100 s.f. per side, not to exceed 200 square feet 25 5 --

**Projecting** 20 square feet 5 1 (3.)

**Roof** Not Permitted -- -- --

**Wall** 200 square feet -- -- --

**Window** 25 percent of building's window area -- -- --

(1) Only one freestanding sign is permitted per street frontage. A monument sign may be used in place of a freestanding sign.

(2.) An awning covering a window or door may extend no more than two feet over a sidewalk or an area of pedestrian activity.

(3.) A Projected sign shall not extend from the exterior of a building, ceiling or wall more than 5 feet from over any publicly traveled way other than a sidewalk.

**Section 19 – 443**

**Table 3**

**Industrial -1, Industrial – 2, Industrial 3: The maximum area of all signs on any premises shall not exceed 1 square foot per one foot of building frontage. Window signs shall not be included in this calculation. Such signs may be externally or internally illuminated.**

**The maximum area of any individual sign shall be limited as follows:**

<b>Sign Type</b>	<b>Area</b>	<b>Height (feet)</b>	<b>Setback (feet)</b>	<b>Projection over Public Right-of-Way (feet)</b>
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<b>Canopy</b>	<b>2 s,f, per 1 linear foot of building frontage</b>	<b>--</b>	<b>--</b>	<b>-- (2)</b>
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<b>Freestanding (1)</b>	<b>50 s.f. per side, not to exceed 100 square feet</b>	<b>20</b>	<b>5</b>	<b>--</b>
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<b>Projecting</b>	<b>20</b>	<b>10</b>	<b>1</b>	<b>(3.)</b>
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<b>Roof</b>	<b>Not Permitted</b>	<b>--</b>	<b>--</b>	<b>--</b>
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<b>Wall</b>	<b>100 square feet</b>	<b>--</b>	<b>--</b>	<b>--</b>
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<b>Window</b>	<b>Not Permitted</b>	<b>--</b>	<b>--</b>	<b>--</b>
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**(1) Only one freestanding sign is permitted per street frontage. A monument sign may be used in place of a freestanding sign.**

**(2.) An awning covering a window or door may extend no more than two feet over a sidewalk and/or an area of pedestrian activity.**

**(3.) A Projected sign shall not extend from the exterior of a building, ceiling or wall more than 5 feet from over any publicly traveled way other than a sidewalk.**

## **6. Supplemental Sign Regulations**

**[Note: The following language is formerly 19-442(a) now re-numbered and with proposed amendments.]**

**(a) Exterior signs in all commercial and industrial districts shall be lighted only by electrical illumination so arranged as to reflect light away from adjoining residential districts and streets and shall be**

located 20 25 feet or more from any residential district boundary line. or at least 50 feet from the property lines of any residential use. Such signs shall pertain only to a use or business connected on the premises on which it is located and shall conform to the height regulations of the appropriate district and freestanding signs shall not exceed twenty (20) feet in height. Projecting Signs shall not extend more than four three (3) feet from the face of any building over any sidewalk, but in any case shall not project within three feet of the curb line

[Note: The following language is formerly 19-442(b) and is proposed to be eliminated and replaced with the signage formulas above.]

(b) The total surface area of all signs combined shall not exceed one square foot for each foot of street frontage of a principal yard of the premises on which the signs are located; except, that where the principal front yard of the premises totals less than 50 feet of street frontage, the total surface area of all signs combined may be 50 square feet in area, provided that in no instance shall the total surface area of all signs combined on any one premises be more than 500 square feet in area.

[Note: This language is formerly 19-442(c), now re-numbered and with proposed amendment.]

(b) In the instance of a lot or parcel containing frontage on more than one street, the total surface area of all signs combined shall not exceed one-half the square foot for each linear foot of the combined street frontage of the lot or parcel. each street frontage may have one freestanding sign.

**(c) Illumination standards:**

**(1) No signs which are internally illuminated shall be located in any designated historic districts.**

**(2) Illuminated signs shall not cause off-site glare, nor shall they direct light or shine light off the premises on which the sign is located.**

**(d.) Sign Maintenance: With all zones and districts, all signs shall be constructed of durable materials and shall be maintained in good structural condition and appearance in compliance with this article at all times. All supports, braces, guys and anchors shall be kept in good repair and shall be kept clean, and free from all hazards so as not to endanger public safety.**

**(e.) For corridors identified in the Comprehensive Plan for targeted revitalization and/or retention as scenic or residential parkway corridors, the following standards for signs shall be adhered to:**

**1. Willett Avenue – For properties with frontage on Willett Avenue located from the intersection on the north side of Pawtucket Avenue and Willett Avenue to the intersection of the north side of Park Drive and Willett Avenue, there shall be no internal illumination or backlighting of signs. Any sign illumination shall be external, meaning by a light source located at a distance from the sign and with said light illuminating the sign face, e.g. gooseneck lighting or a spotlight. Signs may be illuminated by a stationary white or off-white steady light only. These lights shall not provide glare, nor shall they direct light or shine off the premises.**

**2. Veteran’s Memorial Parkway: Only monument signs shall be**

**allowed along the frontage of this State-designated Scenic Roadway and shall be externally lit.**

**SECTION XV. Section 19-444 entitled “Billboards” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is hereby deleted in its entirety.**

**Sec, 19 – 444 Billboards. [Note: Billboards are proposed to become a prohibited use.]**

**Billboards shall be permitted as stated in section 19-98 except that no billboard shall be erected along a “scenic highway”, as hereinbefore and hereinafter established by a vote of the city council, and shall:**

- (1) Be located at least 1,000 feet from any other billboard structure on the same side of the street;**
- (2) Be located in compliance with the yard and height restrictions of the appropriate district;**
- (3) Not having one billboard or sign above another on the same structure.**
- (4) Not located on the roof or attached to the side of any building.**
- (5) Be located not less than 1,000 feet from any adjacent structure fronting on the same street that is used, in any part, for dwelling purposes;**
- (6) Be located not less than 1,000 feet from any park, playground or other public recreational facility, school or municipal building, church or other place of worship, religious or educational institution, cultural activity, cemetery or hospital.**
- (7) Conform to all other regulations and ordinances of the city and applicable state or federal regulations.**

**SECTION XVI. Section 19-447 entitled “Enforcement” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is hereby deleted in its entirety.**

**Sec. 19 – 447. Enforcement. The requirements of this article shall be enforced by the zoning officer. The zoning officer shall provide telephone or, at his discretion, written notice to the person and/or persons responsible. Failure to remedy any violation 24 hours after notification subjects the bond to forfeiture. [Note: this section related to enforcement of bonding for installation of political signs and is no longer required as bonding is no longer done.]**

**SECTION XVII. Section 19-451 entitled “Uses requiring development plan approval” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is hereby amended to read as follows:**

**(a) The following activities require development plan approval:**

**(1) Any exterior additions or changes to buildings or changes of use which require the additional [sic] or deletion of 25 or more parking spaces.**

**(2 ) Parking areas for 25 or more motor vehicles.**

**(3) Any new development with a total building square footage over 20,000 of 15,000 square feet or greater.**

**(4) Proposed developments in the Riverside Square Mixed Use Downtown Overlay District.**

**SECTION XVIII. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.**

Motion\_\_\_By\_\_\_2nd\_\_\_

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_

**APPENDIX A – LAND USE AND DEVELOPMENT FEES – (requires passage by via motion only)**

**Section I. Zoning fees.**

**(a) Any petition to amend Chapter 19 of the Revised Ordinances of the City of East Providence entitled “Zoning” and/or the official zoning map of the City of East Providence shall be accompanied by a filing fee as provided for below to be set by the city council to cover the cost of advertising and notice.**

**(b) Any application or petition to the zoning board of review for an appeal, special use permit, dimensional variance or use variance, except by the city, shall be accompanied by a filing fee, payable to the City of East Providence, in accordance with the following schedule:**

**(1) Residential districts:**

- a. Application limited to one (1) lot.....\$150.00**
- b. Each additional lot.....50.00**
- c. Application fee for an Accessory Family Dwelling Unit in an owner-occupied single-family dwelling for a family member(s) with disability.....250.00**

**(2) Commercial districts:**

- a. Application limited to one (1) lot and/or construction of five thousand (5,000) square feet or less.....300.00**
- b. Two (2) or more lots and/or construction in excess of five (5,000) square feet.....400.00**

**(3) Industrial districts:**

- a. Application limited to one (1) lot and/or construction ten thousand (10,000) square feet or less.....500.00**
- b. Two (2) or more lots and/or construction in excess of ten thousand (10,000) square feet.....600.00**

**(4) All districts:**

**The filing fee shall include a charge of five dollars (\$5.00) per each abutter to a maximum fee of two hundred fifty dollars (\$250.00) and a fee for recording the decision of the Zoning Board of Review in the land evidence records.**

**(c) Any application for development plan review, Article VIII of Chapter 19 entitled “Zoning”, or land development project, Article V of Chapter 19 entitled “Zoning”, shall be accompanied by a fee in the amount five hundred dollars (\$500.00) plus twenty dollars (\$20.00) per acre for each full acre in the development, payable to the City of East Providence.**

**(d) In the event the applicant/petitioner or his/her authorized agent requests a continuance, a second filing fee in the same amount as the first, is required prior to said application or petition being placed on the next zoning board of review or city council docket.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**X. ORDINANCES FINAL PASSAGE - PUBLIC HEARING**

**1.The following ordinance pertains to amendments to the Harbor**

**Ordinance Division 3-6.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 13 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “PUBLIC PLACES”.**

**SECTION I. Sec. 13-84 entitled “Assistant harbormasters” of Division 3 entitled “Harbormaster” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**There shall be a number of up to four assistant harbormasters requested by the harbormaster and confirmed by the harbor commission and city manager who shall be appointed by the city council for a term of office concurrent with that of the council and until his/her successor is appointed and qualified and shall report directly to the harbormaster and are empowered with the same duties as the harbormaster, under the direction of the harbormaster. One assistant harbormaster shall be designated as the pump out boat operator and all assistants shall meet the minimum requirements set by the harbormaster and personnel department. Only two of the four assistant harbormasters shall receive compensation.**

**SECTION II. Sec. 13-85 entitled “Salary to be set by city council” of Division 3 entitled “Harbormaster” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**The salary of the harbormaster and two the hourly wage of the**

**assistant harbormasters shall be fixed by the city council. The remaining assistant harbormasters shall serve without compensation.**

**SECTION III. Sec. 13-87 entitled “Vessel operations” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**Sec. 13-87. Reckless vessel operations.**

**Vessels involved in activities including, but not limited to, water skiing, jet skiing, paragliding, and other similar uses that would involve the use of a vessel moving in excess of ten miles per hour shall not be allowed within 200 feet of any swimming area, mooring area, shore side facility, rights-of-way ingress and egress points, launching ramp, federal navigation channels, navigation fairways, small unpowered vessels vulnerable to swamping or tipping due to wakes (i.e. canoes, kayaks, etc.), or north of Buoy #2 Seekonk River. Vessels used in these manners are allowed within 200 feet of shore side facilities when the sole purpose is to begin or end such activity. No person shall operate any vessel at any time or at any speed so as to endanger any person. No person shall ride on any part of a vessel not meant for seating or that may cause that person to fall overboard. Any such action shall be deemed as reckless operation. No person shall operate any canoe, kayak, paddle boat or shallow draft vessel within any navigational channel or fairway as to impede or interfere with the safe operation of vessels limited in the ability to maneuver or**

limited by draft and that must stay within the channel or fairway.

**SECTION IV. Sec. 13-88 entitled “Navigation fairways” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**The following fairway is hereby designated within the south basin of Bullocks Cove. From the 11 dayboard at the federal channel boundary at 41-44-51.30 N and 071-21-14.04 W traveling west to a point 50’ east of the NTYC piling at 41-44-50.6 N and 071-21-20.1 W and from the 11 dayboard traveling south 40’. This area shall remain clear of moored vessels at all times. The harbor master may install pilings or buoys to clearly define this area. The westerly end is bounded by Peterson's dock running easterly for approximately 400 feet to Bullocks Cove channel.**

**SECTION V. Sec. 13-89 entitled “Obstruction of channels, fairways, and berthing space” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of channels, fairways, or berthing spaces within the areas under city jurisdiction as detailed in section 13-79 of this chapter. No docks, floats, pilings or berthed vessels at any marina or yacht club shall impede into the fairways or channel.**

**SECTION VI. Sec. 13-93 entitled “Marine debris” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**The discharge of any waste, garbage, refuse, petroleum product or byproduct, paint, varnish, dead animals, fish, bait, or any other debris is prohibited in coastal waters and harbor areas within the city. A fine shall be collected each day until the debris has been removed or cleaned up and the area returned to its natural state.**

**SECTION VII. Sec. 13-96 entitled “Abandoned vessels and structures” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**(a) Upon his determination the harbormaster may take custody and control of abandoned vessels and structures located in the coastal waters and harbor areas of the city and remove, store, or otherwise dispose of such vessel or structure at the expense and sole risk of the owner of the abandoned vessel or structure. In addition to any fees such violation shall incur, a fine of \$500.00 shall be collected from the vessel owner for such harbormaster action. Reasonable notice of such removal, storage, or disposal shall be publicly advertised. If any abandoned vessel or structure presents a hazard to the navigation, the harbormaster may have it removed before it is**

publicly advertised. The owner is responsible for all expenses incurred. A fine shall be collected each week until the abandoned structure or vessel is removed.

(b) The harbormaster shall assume all of the duties and powers of the commissioner of wrecks and shipwrecked goods as detailed in the G.L. 1956, § 46-10-1 et seq.

**SECTION VIII.** Sec. 13-99 entitled “Rights-of-way to the water” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

(a) No person shall block, barricade or in any way impede the public use of or access to designated public rights-of-way to the water as defined by the coastal resources management council or the city. See section 13-78, exhibit 13.

(b) No person shall store a vessel, vehicle or structure on a designated public right-of-way to the water as defined by the coastal resources management council or the city.

(c) Any person in violation of this section shall be subject to a fine in accordance with subsection 13-142(a). See list of rights-of-way, section 13-78, exhibit 13. A fine shall be collected each week until the violation is corrected.

**SECTION IX.** Sec. 13-101 entitled “Failure to stop” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled

**“Public Places” is amended to read as follows:**

**Sec. 13-101. Failure to stop or move.**

**It shall be a violation of this article for any person to refuse to move or stop on oral command or order of the harbormaster or assistant harbormaster identified as such and exercising the duties lawfully assigned to him.**

**SECTION X. Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended by adding thereto the following:**

**Sec. 13-105. Private or city Aid-to-Navigation.**

**No person shall moor, tie or secure in any way a vessel to any private or city owned aid-to-navigation piling or float including all dayboard channel markers, speed regulation dayboard or buoys, danger and hazard-to-navigation markers or spill containment pilings or buoys.**

**Sec. 13-106. Safe boating record.**

**Prior to the court date shown on the summons a person may request the harbormaster reduce or dismiss a fine after consideration of the circumstances or the persons safe boating record or attendance at a safe boating course.**

**SECTION XI. Sec. 13-116 entitled “Permitting” of Division 5 entitled “Mooring Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**(a) Generally.** No mooring shall be located in the coastal waters and harbor areas of the city until a permit has been issued for the use of such mooring by the harbormaster. No mooring shall be located nor shall be maintained unless the mooring owner has received a valid mooring permit issued by the harbormaster for the mooring and that the mooring conforms to the specifications and standards set forth in this chapter and in such permit.

**(b) Request for a new mooring permit.** To be eligible for a new mooring permit, an applicant must own a boat for which a mooring permit is being sought. All requests for new mooring permits shall be submitted to the city clerk on the application forms available at the city clerk's office. The city clerk will forward a copy of all applications for new mooring requests to the harbormaster. A complete and accurate mooring permit application must be provided to the harbormaster before the harbormaster can act to approve or deny such application. The harbormaster shall determine if a new mooring permit can be issued only after all the pertinent provisions of the harbor management plan and this chapter are met (Ref. Sec. 13-116(g)). If the harbormaster issues a mooring permit, the mooring owner for which such permit has been issued must locate the mooring at the direction of the harbormaster, assistant harbormaster or designees in accordance with the harbor management plan and this article.

**(c) Permits renewals.** It is the responsibility of the permit holder to apply for a permit by February 28 of each year. As a courtesy, application Renewal forms will be mailed by the harbormaster each

year to those persons who held valid mooring permits at the end of the previous calendar year by January 15 and returned to the city hall by February 28. Applicants wishing to change the permitted vessel must submit an original permit application along with a copy of the Rhode Island boat registration and fee. Permit renewals that include A change in the vessel size or draft may cause the renewal to be considered under section 13-116(d) of this article. Relocation of existing permitted mooring. Non-respondents shall be sent a registered letter on or about March 1, assessing them a \$100.00 late fee and giving the permit holder until March 15 to renew apply. Failure to submit a renewal form, an application, mooring permit fee, and late fee by March 15 may will result in the loss of the permitted space permit. It shall be the responsibility of the mooring permit holder to notify the harbormaster of any change in address. The harbormaster shall approve or reject mooring permit applications by March 15.

(d) Relocation of existing permitted mooring. All requests for relocation of existing permitted moorings must be submitted to the harbormaster city clerk in city hall. The city clerk will time/date stamp the request and forward a copy to the harbormaster. Information for such a request must meet the requirements listed for a mooring permit application, as well as show proof of a valid mooring permit issued for the previous year. The reasons for a mooring relocation must also accompany the request. Based upon availability of space, the requirements of this chapter, and the type and size characteristics of vessel, action will be taken on the request. Any incomplete request shall be returned to the applicant and no action will be taken on the

request. Relocation of a mooring is at the sole expense of the mooring permit holder.

**(e) Failure to renew an existing valid apply for a mooring permit. Failure to apply for a to renew an existing valid mooring permit in accordance with the provision of this chapter by March 15 of any given year may will result in the permitted owner's abandonment of all his privileges and interest in the previously permitted mooring space issued permit. The harbormaster may will remove or dispose of the now abandoned mooring at the permitted owner's expense. Such expense may in turn be recovered by the city, in accordance with the provisions of this article.**

**(f) Forfeiture of mooring space permit. Any owner of a mooring located in the coastal waters and harbor areas of the city shall be deemed to have forfeited his mooring space permit by reason of the following:**

**(1) Failure to comply with any of the requirements of this article.**

**(2) Removal of mooring and mooring tackle by mooring owner and notification to the harbormaster and/or harbor management commission that the mooring has been removed.**

**(3) Failure to respond to the harbormaster's and/or harbor management commission's notice that the mooring does not comply with the mooring tackle standards set forth in this article, or that the mooring has been displaced or moved from its permitted location.**

**(4) Failure to resurface or replace mooring within 15 days after being advised by the harbormaster that the mooring is down.**

**(5) Knowingly providing false information to the harbormaster in the**

**mooring permit application process.**

**(6) Failure to occupy the mooring by July 1 the year after being granted a year-of grace.**

**(7) Sale of a permitted vessel and not notifying the harbormaster or allowing the new owner to occupy the mooring.**

**(g) Available spaces. Each year, the harbor management commission shall determine the number of mooring spaces available for mooring placement within each designated field A--G. This determination shall be based on an assessment of the density of moored vessels in each field in order to ensure safe and proper clearance. This number may be less than the number of currently permitted spaces within a designated mooring field although no valid renewal permit application shall be denied. Available mooring spaces shall be made available to those persons whose names appear on the waiting lists.**

**(h) Waiting list. The harbormaster shall maintain two waiting lists (Ref. section 13-79, exhibits 9 and 10); one list for new mooring applications (NMWL) and one list for requests for mooring location changes (MLCL) for all applications for mooring permit requests when no mooring space is available within the coastal waters and harbor areas of the city. Placement of applications on such waiting lists will be recorded from complete mooring permit applications as they are received at the city clerk's office. The harbormaster shall update the waiting lists at least twice a year and make the waiting lists available for public review at the city clerk's office. When a mooring location becomes available, the harbormaster shall assign the space on a seniority basis to persons on the new mooring**

applications or requests for mooring location changes. Persons on the MLCL shall take priority over persons on the NMWL. The harbormaster shall offer newly available mooring locations to the first person on the MLCL with a suitable boat. Should this person decline the spot, the person next in seniority with a suitable boat shall be offered the spot. This process will continue until all of the appropriate persons on the MLCL have had the opportunity to move up to the available spot. Persons declining a spot from either list shall maintain their relative position on the list. Persons who accept a new spot shall be removed from the list.

(i) Processing of applications. All new permit applications and requests for mooring changes shall be sent directly to the city clerk's office, time and date stamped. A copy of the request will be forwarded to the harbormaster for further processing and the original application shall remain on file at the city clerk's office. The harbormaster shall not be able to consider any applications that have not been first processed by the city clerk's office.

(j) (i) Occupancy of mooring.

(1) No vessel shall occupy a mooring other than the one for which it has been permitted. The harbormaster shall have the authority to move any vessel violating the provisions of this section, with such movement at the expense and risk of the vessel owner.

(2) If a mooring should remain unoccupied by its permit holder for a period of one season, the harbormaster shall inquire in writing as to the permit holder's future intentions. If the permit holder does not intend to place a boat on the mooring, the harbormaster may choose

**not to renew the permit holder's permit. The permit holder shall have the right to appeal such a decision to the harbor management commission as stipulated in subsection 13-82(5).**

**(3) The harbormaster may permit the temporary use of a mooring by another vessel after receiving written consent by the permitted mooring owner.**

**SECTION XII. Sec. 13-117 entitled “Mooring permit application requirements” of Division 5 entitled “Mooring Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**The following requirements are set for applications for private mooring permits (Ref. section 13-78, exhibit 1):**

- (1) Name, address and telephone (home and office) of owner;**
- (2) Vessel name, make, model, color, length (feet), draft (feet), and RI registration number and copy of the RI Registration certificate and MSD decal number if required;**
- (3) Whether vessel has changed in status since the last permit was issued;**
- (4) Mooring classification (type), actual mooring weight; Mooring tackle inspection report must be filed within 21 days of the permit being issued and shall contain all the information regarding the mooring tackle as required on the form and be signed by the harbormaster or certified mooring inspector. If no inspection report is received the permit shall be considered void;**

**(5) Area where applicant would like to locate mooring, prioritized. See section 13-78, exhibit 1;**

**(6) Permits to moor are issued to individual persons allowing them to moor a vessel which is owned by them and registered in Rhode Island. Permits are not transferable other than as stated in Sec. 13-121;**

**(7) The location of mooring tackle or anchoring systems shall be at the discretion of the harbormaster and may be relocated at any time to best utilize the space available;**

**(8) Any person who sells his permitted vessel must apply for a new mooring permit and if granted shall pay any and all costs of adjusting his or the surrounding mooring tackle. A new vessel may result in the loss of the previous mooring location and may require relocation to a different mooring field.**

**SECTION XIII. Sec. 13-120 entitled "Mooring associated with residential waterfront properties" of Division 5 entitled "Mooring Regulations" of Article III entitled "Coastal Waters and Harbor Areas" of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Public Places" is amended to read as follows:**

**(a) Moorings owned by persons who own residential waterfront property are allowed to be placed in the coastal waters and harbor areas of the city in those waters immediately adjacent to the upland residential waterfront property. The mooring owner must comply with all mooring permit application requirements and receive a mooring permit from the city as described in this article, and the mooring must**

meet all mooring tackle standards and inspections as described in this article, before such placement will be permitted.

(b) One such mooring is allowed to be placed in these areas by residential waterfront property owners.

(c) Property owners may request the requirement to own a boat waived and apply for a “guest” permit. The application shall state the longest length and deepest draft of a “guest” vessel to be moored and the tackle installed must meet those requirements. No single vessel shall remain on the mooring for longer than 14 days during the season.

**SECTION XIV. Sec. 13-122 entitled “Mooring fields” of Division 5 entitled “Mooring Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

(a) Permit required. No mooring shall be located or placed within the coastal waters and harbor areas of the city without a valid mooring permit issued by the harbormaster and without having the mooring inspected as detailed in this article and approved by the harbormaster. The harbormaster must direct the placement of the mooring.

(b) Mooring within boundaries. No vessel so moored or anchored shall extend beyond the designated mooring field boundaries, as detailed in this article without written permission from the harbormaster (Example: Riparian mooring).

(c) Mooring field designations. Certain waters of the city shall be

designated as mooring fields. Those waters designated as mooring fields in this article are authorized for the placements of permitted moorings as detailed within this article. They are located in accordance with all policies of the city's harbor management plan, the policies and requirements of the coastal resources management council's guidelines for the development of municipal harbor management plans, and the coastal resources management council's management procedures for sighting mooring fields. Any revisions to the size, and/or location of these mooring field designations shall require city council approval. Once city council approval is obtained, approval for the revisions from the coastal resources management council shall also be obtained. Once approval has been obtained from the CRMC, the revisions may take place. The following mooring field designations A-1 through G are drawn on chart A, section 13-78, exhibit 11:

**Mooring field A-1:** A body of water beginning 100 feet west of Dock A at Cove Haven Marina proceeding west for 200 feet, turning northeast for a distance of 1,900 feet, then turning easterly for 100 feet, then turning southerly for 960 feet then turning westerly for a distance of 75 feet, then turning southwest for a distance of 970 feet. at the federal channel just south of Haines Park boat ramp with the northwest corner at 41-45.215 N and 071-21.210 W traveling 165' to the northeast corner at 41-45.216 N and 071-21.175 W traveling 266' to the southeast corner at 41-45.171 N and 071-21.175 W traveling 165' to the southwest corner at 41-45.170 N and 071-21.210 W traveling 262' back to the northwest corner. This area is located south of

**Haines Park and north of Cove Haven Marina and may contain floating docks to best utilize the space available. This area contains 1.01 water acres.**

**Mooring field A: A body of water beginning at the northwest corner of the dredged anchorage at 41-45.250 N and 071-21.248 W traveling 200' to the northeast corner at 41-45.248 N and 071-21.206 W traveling 1483' to the southeast corner at 41-45.012 N and 071-21.283 W at the 15 dayboard traveling 99' to the southwest corner at 41-45.014 N and 071-21.306 W traveling 1465' back to the northwest corner. This area contains 4.03 water acres.**

**Mooring field B: A body of water beginning approximately 100 feet north of the northern tip of Bullock Cove Jetty (Point A) to the western edge of Bullock Cove Channel following the edge for approximately 1,800 feet, then turning southwest for approximately 750 feet then proceeding south for approximately 1,000 feet then proceeding west to Point A. This mooring field will have a 25-foot minimum navigation fairway and be a minimum of 75 feet from Bullock Cove Marine Docks. at southern boundary of mooring field "A" at the northwest at 41-45.014 N and 071-21.306 W traveling 108' to the northeast corner at 41-45.012 and 071-21.283 W at the 15 dayboard traveling 1350' to the southeast corner at 41-44.788 N and 071-21.320 W traveling 508' to the southwest corner at 41-44.829 N and 071-21.320 W traveling 1121' back to the northwest corner. This mooring field shall have a clear fairway of 50' in front of Bullock Cove Marine, NTYC and Petersen's Marina from the harbor line to the east. There shall also be a clear fairway from the 11 dayboard traveling 40'**

**south along the federal channel and approximately 400' to the west bounded by the NTYC dock. (also see Sec. 13-89) This area contains 7.42 water acres.**

**Mooring field C: A body of water beginning from an imaginary line 100 feet west from the southwest tip of Narragansett Terrace, Bullock Point, (Point A) running northward for approximately 1,500 feet then turning west for approximately 300 feet then turning south 1,500 feet then turning east 300 feet to intersect with Point A. from an imaginary line west of the southern boundary of Rose Larisa Park and encompassing approximately forty waterfront properties with the northwest corner at 41-45.230 N and 071-21.869 W traveling 371' to the northeast corner at 41-45.233 N and 071-21.792 W traveling 3329' to the southeast corner at 41-44.698 N and 071-21.628 W traveling 196' to the southwest corner at 41-44.698 N and 071-21.666 W traveling 3310' back to the northwest corner. This area contains 21.38 water acres.**

**Mooring field D: A body of water beginning 150 feet from shore, west of the west end of Beach Road, Point A, running west for approximately 300 feet then turning south for approximately 1,500 feet then turning east for approximately 300 feet then turning north for approximately 1,500 feet to Point A. Also a body of water beginning at Point A running 500 feet north then turning west approximately 300 feet then turning south 500 feet then turning east approximately 300 feet to Point A. off Rose Larisa Park and encompassing approximately twenty water front properties to the north with the northwest corner at 41-45.645 N and 071-21.920 W**

traveling 619' to the northeast corner at 41-45.645 N and 071-21.785 W traveling 2110' to the southeast corner at 41-45.300 N and 071-21.785 W traveling 619' to the southwest corner at 41-45.299 N and 071-21.920 W traveling 2110' back to the northwest corner. This area contains 30.03 water acres.

**Mooring field E:** A body of water beginning approximately 100 feet southeast of the southeastern tip of the southern dock at Sabins point (Point A): Running easterly for approximately 500 feet then turning in a southeasterly direction for approximately 400 feet then turning west for approximately 700 feet then turning north for approximately 300 feet to intersect with Point A. off Sabins Point Park and encompassing approximately thirty waterfront properties to the south with the northwest corner at 41-45.865 N and 071-22.070 W traveling 751' to the northeast corner at 41-45.865 N and 071-21.905 W traveling 1307' to the southeast corner at 41-45.651 N and 071-21.906 W traveling 798' to the southwest corner at 41-45.651 N and 071-22.081 W traveling 1310' back to the northwest corner. This area contains 23.27 water acres.

**Mooring field F:** A body of water beginning 75 feet northwest of the northwest tip of the boat ramp at Sabins point (Point A) running north for approximately 1,500 feet staying approximately 100 feet from shore then turning west for approximately 300 feet then turning south for approximately 1,500 feet then turning east for approximately 300 feet to intersect with Point A. off Sabins Point Park and encompassing approximately twenty waterfront properties to the north of the Sabins Park boat ramp with the northwest corner at

**41-46.201 N and 071-22.300 W traveling 606' to the northeast corner at 41-46.200 N and 071-22.164 W traveling 1014' to the southeast corner at 41-46.033 N and 071-22.161 W traveling 630' to the southwest corner at 41-46.031 and 071-22.300 W traveling 1021' back to the northwest corner. This area contains 14.45 water acres.**

**Mooring field G: A body of water beginning approximately 75 feet from the shoreline at the center of the easternmost Pomham Rock, Point A, running east for approximately 150 feet then turning north for approximately 700 feet staying approximately 75 feet from shore then turning west for approximately 150 feet then turning south approximately 700 feet to Point A. in the area of Pomham Lighthouse (future use, less than 5 permits issued).**

**Mooring field H: A body of water along the Providence River shoreline (future use, less than 5 permits issued).**

**Mooring field I: A body of water along the Seekonk River shoreline (future use, less than 5 permits issued).**

**(d) All designated mooring fields sited within the coastal waters and harbor areas of the city shall be set back a minimum distance of:**

**(1) One hundred feet from the mean high water mark of the shore to accommodate the placement of moorings associated with residential waterfront property owners; and**

**(2) Twenty-five feet from the center of all federal navigation channels, navigation fairways, rights-of-way fairways, and 50. Fifty feet from all shellfish management areas, and shoreside structures such as, but not limited to, docks and piers.**

**SECTION XV. Sec. 13-124 entitled "Inspections" of Division 5 entitled**

**“Mooring Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:**

**(a) All new moorings in the coastal waters and harbor areas of the city must have the chain, tackle, and anchor inspected by the harbormaster or his designee prior to setting the mooring.**

**(b) Every permit holder shall be required to maintain his mooring in safe condition. Any chain, shackle, swivel, or other tackle which has become warped or worn by one-third its normal diameter shall be replaced. Failure to maintain a safe mooring shall be cause for revocation of the mooring permit and shall be deemed a violation of this article. The harbormaster or his designee may inspect any moorings at any time to determine compliance with this section at the owner's expense.**

**(c) All moorings shall be inspected once every three years and the results of such inspection shall be reported to the harbormaster. Mooring inspections shall be performed by a qualified inspector. The inspection shall be made by either raising the mooring or by underwater inspection. Such inspection shall determine compliance with the mooring and mooring tackle standards of this article. Any mooring or component of a mooring reported not in compliance with this article shall be replaced within 30 days of such notice. Any mooring washed ashore during a storm shall be inspected by the harbormaster or his designee before it is reset. All costs of any mooring inspection required under the provisions of this article shall**

**be the responsibility of the mooring owner.**

**(d) Within 30 days after a mooring and/or its mooring tackle has been reported to violate any requirements of this article, a second mooring inspection must be completed to determine if the violation has been corrected and meets the standards detailed in this article. The results of such second mooring inspection must be reported to the harbormaster. Failure to correct the violation shall cause the mooring to be deemed not safe and shall be cause for the revocation of the mooring permit, shall be a violation of this article, and subject to the removal of the mooring from the coastal waters and harbor areas of the city in accordance with any provision of this article at the risk and expense of the mooring owner.**

**(e) Any person certified by PADI or NAUI as a qualified diver or any person who is an operator or employee of a boatyard and is familiar with the requirements of this article and the rules and regulations of the commission, may apply to the commission to be designated as an inspector. Applications shall be made on the form provided by the harbormaster and must be accompanied by the annual application fee as set by the harbor commission along with a resume which includes relevant professional experience from either current or previous employers in marine related industry or area harbor masters. A qualified inspector must reapply by July 1 of each year. The commission may designate as many inspectors as it feels are necessary; shall set standards for the inspectors to follow; and shall establish criteria for qualifying as an inspector. Any inspector who has failed to exercise diligence in the exercise of his duty shall have**

his inspector's license revoked.

(f) The harbormaster shall keep a list of all qualified inspectors and shall make this list available to holders of mooring permits and provide a copy of this list to the city clerk's office (Ref. Section 13-78, exhibit 12).

(g) Any person, prior to being appointed as a qualified inspector will provide and submit to the harbormaster either proof of insurance or a surety bond in the amount of \$1,000,000.00. The insurance policy must name the City of East Providence and harbormaster as additional insured and certificate holders of the policy. The policy must clearly state "mooring inspector".

**SECTION XVI. Sec. 13-141 entitled "Fees" of Division 6 entitled "Fees and Penalties" of Article III entitled "Coastal Waters and Harbor Areas" of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Public Places" is amended to read as follows:**

**No permit shall be issued until payment of the appropriate fees are made to the city. All such fees are nonrefundable. These fees shall be set annually by the harbor management commission and shall be approved as part of the harbormaster's budget submitted to the city council. At no time shall the fee collected from a mooring permit applicant be different for residents and nonresidents.**

**(1) The mooring permit fee shall not be less than \$50.00 \$100.00. The permit fee for persons mooring to city owned tackle or floating docks shall be a minimum of 2 times the permit fee plus the application fee each year. The permit fee for industrial equipment such as tug boats,**

**barges, scows and cranes shall be a minimum 4 times the permit fee plus the application fee each year. Any vessel or structure that requires more than one anchor shall pay a permit fee per anchor or mooring.**

**(2) All persons applying for a new mooring permit shall be assessed an application fee of \$50.00.**

**(3) All persons wishing to be placed on the new mooring waiting list (ref. section 13-79; exhibit 9), shall pay a one time fee of \$50.00 in addition to the \$50.00 application fee.**

**(4) All current permit holders applying for relocation shall be assessed an application fee of \$50.00 in addition to the \$50.00 application fee.**

**(5) All persons requesting an on-the-spot inspection of mooring tackle by the harbormaster shall be assessed fee of \$100.00. \$200.00**

**(6) In addition to established fees, a fee of \$25.00 will be assessed to any applicant for a check returned to the city without payment because of insufficient funds.**

**(7) All persons who sell the vessel which they were previously permitted to moor shall submit a new permit mooring application along with a copy of the RI boat registration for the new vessel. A new permit may or may not be approved by the harbormaster after review of the new vessels length and draft.**

**SECTION XVII. Sec. 13-142 entitled "Penalties" of Division 6 entitled "Fees and Penalties" of Article III entitled "Coastal Waters and Harbor Areas" of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Public Places"**

is amended to read as follows:

(a) If a vessel, mooring, or anchored vessel is found to be in violation of any provision of this article and the owner or operator is not present, the harbormaster may issue a warning that lists the violation(s) (Ref. section 13-78, exhibit 6). The owner of the vessel, mooring, or anchored vessel must respond to this warning within the number of days from the date the warning was issued, that is specified on the warning (a minimum of five three days). Failure to respond to a warning issued by the harbormaster within the specified amount of time from the date issued, shall result in additional penalties and fines as provided for in this article. If the owner or operator is present then he/she shall remove the vessel immediately or correct the violation upon order of the harbormaster or his assistant or designee.

**(b) Penalties.**

**(1) 13-87 Reckless boat operation:        \$300.00--\$1,500.00    \$200.00 -- \$2000.00**

**(2) 13-86 Speeding:    75.00--125.00 100.00 -- 200.00**

**(3) 13-86 Leaving a wake    75.00 100.00 -- 200.00**

**(4) 13-96 Abandoned structure or vessel: or without proper registration or documentation, numbers or markings . . . . . 75.00  
500.00 each week until removed**

**(5) 13-116 (a) Mooring not designated by harbormaster . . . . . 125.00  
200.00**

**(6) 13-116 (a) Anchorage not designated by harbormaster . . . . . 75.00  
200.00**

- (7) 13-101 Refusal to move or stop on oral command of harbormaster . . . . . 100.00**
- (8) 13-98 Failure to carry and/or use required equipment . . . . . 50.00  
100.00**
- (9) 13-98 Failure to carry a certificate of boating safety education or any license issued by the state for operation of a personal water craft (PWC), while operating a PWC in waters of the city . . . . . 75.00 100.00**
- (10) 13-98 Failure to carry a certificate of boating safety education or any license issued by the state to operation of a vessel powered by a motor of ten HP or more, while operating such a vessel in waters of the city and born on or after January 1, 1986 . . . . . 75.00 100.00**
- (11) 13-124 Failure to get mooring tackle inspected by August 1 of the calendar year that a warning and/or notice regarding the mooring tackle inspection expiration is received . . . . . 100.00**
- (12) 13-92 (b) Failure to display an approved "no discharge certificate decal" in a prominent position on a vessel required to display such a decal . . . . . 100.00**
- (13) 13-99 Blocking, barricading, or impeding use of or access to designated public right-of-way . . . . . \$100.00--1,000.00 each week until the violation is corrected.**
- (14) 13-89 Obstructing a channel/fairway.....100.00 each week until removed.**
- (15) 13-90 Swimming in a channel/fairway....100.00**
- (16) 13-91 Fishing pot or traps in channel/fairway or mooring field....100.00**
- (17) 13-92 Waste discharge or no MSD decal....100.00**

**(18) 13-93 Debris discharge or dumping....200.00 -- 2000.00 per day until cleaned.**

**(19) 13-94 Vessels towed by harbormaster....500.00**

**(20) 13-95 Rafting Prohibited....100.00 each day until removed**

**(21) 13-102, 13-103, 13-104 Gasoline motor operation....100.00**

**(22) 13-105 Mooring or securing to city aid to navigation....100.00**

**SECTION XVIII. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.**

**Requested by: Harbormaster**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **XI. NEW BUSINESS**

### **A. City Managers Report (by City Manager Richard Brown)**

**Station Construction Grant and Relocation Project update with a request to use Tristram Burges Elementary School for temporary fire station during renovations.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

### **B. Reports of Other City Officials**

#### **1. Claims Committee Report (by City Solicitor James Briden)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**2. Amendment to an existing easement for the construction of a fish ladder at Hunt's Mills (by Planning Director Jeanne Boyle)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**3. Update on National Night Out event to be held on August 3rd at Rose Larisa Memorial Park. (by Chief of Police Joseph Tavares)**

### **C. Council Members**

**1. EP Budget Update (by Mayor Larisa)**

**2. Charter Amendment Solidifying Property Taxpayer Protection (by Mayor Larisa)**

**Shall the City Charter be Amended as Follows:**

**Sec. 5-14. Cap on Maximum Tax Rate Increase**

**(a) Beginning in fiscal year 2012, the city may not increase its property tax rate by more than three and one-half percent over the prior year's tax rate. In all years when a revaluation is not being implemented, a tax rate is deemed to be 103.5 percent or less of the prior year's tax rate if the tax on a parcel of real property, the value of which is unchanged for purpose of taxation, is no more than 103.5 percent of the prior year's tax on the same parcel of real property. In**

any year when a revaluation is being implemented, the tax rate is deemed to be 103.5 percent of the prior year's tax rate upon certification by the department of finance for the city.

(b) The property tax rate increase may exceed the three and one-half percent increase only upon approval by a supermajority of four of the city council.

(c) The tax rate may exceed the percentage increase as specified in subsection (a) of this section if one of the following occurs:

(1) The city forecasts or experiences a loss in total non-property tax revenues and the loss is certified by the director of finance.

(2) The city experiences or anticipates an emergency situation, which causes or will cause the tax rate to exceed this percentage increase specified in subsection (a). Without limiting the generality of the foregoing, an emergency shall be deemed to exist when the city experiences or anticipates health insurance costs, retirement contributions or utility expenditures which exceed the prior fiscal year's health insurance costs, retirement contributions or utility expenditures by a percentage greater than three times the percentage increase as specified in subsection (a) of this section.

(3) The city forecasts or experiences debt services expenditures which exceed the prior year's debt service expenditures by an amount greater than the percentage increase as specified in subsection (a) of this section and which are the result of bonded debt issued in a manner consistent with general law or a special act.

**(4) The city experiences substantial growth in its tax base as the result of major new construction which necessitates either significant infrastructure or school housing expenditures by the city or a significant increase in the need for essential municipal services and such increase in expenditures or demand for services is certified by the director of finance.**

#### **EXPLANATION**

**This Charter Amendment would cap any future property tax rate increase at a maximum of 3.5%, unless one of the exceptions listed applied. The Amendment would also require four (4) members of the Council to vote for any increase under the exceptions rather than three (3) members of the Council. Presently, there is no tax cap in the City Charter.**

**A vote to Approve would place this tax cap in the City Charter where it could only be removed by a subsequent Charter Amendment through a public vote. A vote to reject would not place the tax cap in the Charter.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

#### **D. Resolutions**

**1. Resolution in Support of the Construction and Maintenance Agreement for the Waterfront Drive Dexter Road Connector Project Between the City of East Providence and the Rhode Island Department of Transportation**

**Whereas, the City Council of East Providence is committed to the**

**support of critical infrastructure improvements that promote economic vitality in the City of East Providence, and;**

**Whereas, the City Council supports the implementation of Projects that are consistent with the Goals and Objectives of the East Providence Comprehensive Plan, and;**

**Whereas, the City Council supports the cooperative efforts of the City of East Providence and the Rhode Island Department of Transportation to complete the construction of the Waterfront Drive Dexter Road Connector Project within the City's Waterfront Special Development District as a means of promoting economic expansion and improved transportation access to the waterfront.**

**Now, Therefore, Be It Resolved; that the City Council of East Providence formally authorizes and supports the General Provisions and Terms described within the "Warren Avenue to Dexter Road Project Construction and Maintenance Agreement" and authorizes all appropriate municipal parties to endorse and finalize this Construction and Maintenance Agreement through the execution of the agreement between the City of East Providence, the Rhode island Department of Transportation and the Federal Highway Administration.**

**Requested By: Planning Department**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **2. RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT OR LEASE PURCHASE**

**AGREEMENT AND RELATED INSTRUMENTS, IN CONNECTION WITH THE FINANCING THE CONSTRUCTION AND EQUIPPING OF AN ENERGY SAVINGS CAPITAL IMPROVEMENT PROGRAM THROUGH A MASTER LEASE AGREEMENT OR LEASE PURCHASE AGREEMENT THROUGH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION**

**WHEREAS, the City desires to finance the construction and equipping of an energy savings capital improvement program (the "Project") pursuant to a master lease agreement or lease-purchase agreement (the "Lease"); and**

**WHEREAS, the City Council adopted a resolution on [            ], 2010 authorizing the Project and authorizing the Mayor and the Finance Director to take all actions, and to execute and deliver the Lease and any related agreements, certificates and other documents (the "Financing Agreements"); and**

**WHEREAS, pursuant to Section 10-3 of the East Providence Charter, the allocations of amounts appropriated for the school department budget are made by the School Committee; and**

**WHEREAS, the Financing Agreements provide that the School Committee shall use its best efforts to allocate sufficient monies in each Fiscal Year to pay all Lease payments and shall use its best efforts not to exercise its power to allocate funds in a manner as to cause a failure or delay in the payment of Lease payments; and**

**WHEREAS, School Committee also desires to take the necessary steps to arrange for the acquisition of the Project;**

**NOW, THEREFORE BE IT RESOLVED that:**

**SECTION 1. The School Committee hereby authorizes the Superintendent and the Chairperson of the School Committee, acting singly, on behalf of the School Committee, to take the appropriate steps to undertake the Project, subject to annual appropriation therefor by the City Council, and subject to allocation by the School Committee.**

**SECTION 2. The Superintendent and the Chairperson of the School Committee, acting singly, are hereby authorized and instructed to take all actions, and to execute and deliver the Financing Agreements in such form as they may deem necessary or desirable. Such officers are also authorized to take all action, on behalf of the School Committee, necessary to insure that interest component of the lease payments will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause the interest component of the Lease to become subject to federal income taxes.**

**SECTION 3. All acts which are in conformity with the purposes and intents of this resolution and in furtherance of the Project shall be, and the same hereby are, in all respects ratified, approved and confirmed.**

**SECTION 4. This Resolution shall take effect upon its passage.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**RESOLUTION AUTHORIZING THE FINANCING OF THE CONSTRUCTION AND EQUIPPING OF AN ENERGY SAVINGS**

**CAPITAL IMPROVEMENT PROGRAM THROUGH A MASTER LEASE AGREEMENT OR LEASE PURCHASE AGREEMENT IN A PRINCIPAL AMOUNT NOT TO EXCEED TWELVE MILLION DOLLARS (\$12,000,000) AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT OR LEASE PURCHASE AGREEMENT AND RELATED INSTRUMENTS, THROUGH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

**WHEREAS, the City desires to finance the construction and equipping of an energy savings capital improvement program (the "Project") pursuant to a master lease agreement or lease purchase agreement (the "Lease"); and**

**WHEREAS, the Project is essential for the City to perform its governmental functions; and**

**WHEREAS, City desires to take the necessary steps to arrange for the acquisition of the Project; and RESOLVED that:**

**SECTION 1. The City Council hereby authorizes the Mayor and the Finance Director acting on behalf of the City, to take the appropriate steps to undertake the Project and to finance the same through the Lease and related documents, including but not limited to an escrow agreement, in a principal amount not to exceed Twelve Million Dollars (\$12,000,000) (the "Financing Documents"), subject to annual appropriation therefore by the City.**

**SECTION 2. The Financing Documents may include provisions for financing the Project through the Rhode Island Health and Educational Building Corporation Public Schools Bond Program.**

**SECTION 3.** The form and other details, terms and conditions of the Financing Documents shall be fixed by the Mayor and the Finance Director.

**SECTION 4.** The Mayor and Finance Director are hereby authorized to enter into the Financing Documents and said officers are hereby authorized and instructed to take all actions, and to execute and deliver the Financing Documents and any related agreements, certificates and other documents in such form as they may deem necessary or desirable to implement the lease purchase financing of the equipment. Such officers are also authorized to take all action, on behalf of the City, necessary to insure that interest component of the lease payments will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause the interest component of the Lease to become subject to federal income taxes.

**SECTION 5.** That this Resolution is an affirmative action of the City Council of the City toward the execution and delivery of the Financing Documents in accordance with the purposes of the laws of the State. This Resolution constitutes the City's declaration of official intent, pursuant to Treasury Regulation 1.150(2), to reimburse the City for certain capital expenditures paid on or after the date which is sixty (60) days prior to the date of this Resolution, but prior to the execution and delivery of the Financing Documents. Such amounts to be reimbursed shall not exceed \$12,000,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the property is placed in

service or abandoned, but in no event later than three (3) years after the date the expenditure is paid.

**SECTION 6.** This Resolution shall take effect upon its passage.

Motion\_\_\_By\_\_\_2nd\_\_\_

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_

#### **E. Introduction of Ordinances**

**1.AN ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ANIMALS.” THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I.** Section 3-6 entitled “Beekeeping.” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is hereby repealed.

**SECTION II.** This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Motion\_\_\_By\_\_\_2nd\_\_\_

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_

#### **F. Communications**

**1. Richard Rodi, 77 Pitman Street, Providence requesting to address the Council with an update on the Red Bridge Neighborhood**

**Association with a 5 minute power point illustrating graffiti at certain sites.**

**2. Bethany Church and Debra Gomes 1275 Pawtucket Avenue (02916) requesting to address the Council regarding the closing off of traffic to Chaffee Street between Pawtucket and Derman Street for vacation bible school August 2-August 6 5:30-8:30..**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**3. Dalila Raposo, 27 Angell Drive (02914) requesting to address the Council regarding the 2nd Annual Angell Drive Block Party on Sunday, September 5th from 6pm-11pm and requesting permission to block the following streets Brookhaven, Angell and Seabrook Drives.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**4. Dean Ventre and Roger Morrell, 16 Outlook Avenue (02914) requesting to address the Council regarding a 4th Annual Block Party on Saturday, August 14th from 4pm-11pm and requesting permission to block Outlook from Hawthorne to Brightridge Ave.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**5. Edwina Cooley, 30 Swan Street (02914), requesting to address the Council regarding approval of the installation of a memorial rock at**

**Central Park in honor of her son Benjamin DeWillis who was murdered on August 8, 2000, funds for the memorial were raised five years ago.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**6. Jared Aronson, 467 Willet Avenue (02915) requesting to address the Council regarding a Block Party to be held on September 11 from 3pm-7pm and asking to allow the closure of Willet Avenue from the end of CVS parking lot entrance to the end of the Riverside Kitchen parking lot.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**7. Bill Murphy, on behalf of the East Providence Taxpayers Association, requesting to address the Council regarding the following two items 1) EPTA Proposal for Revising the Tax Cap and Codifying it as a Charter Amendment 2) EPTA Proposal for a Charter Amendment Governing the Approval of School Contracts. EPTA requests these items be placed on the agenda and in each case the Council conducts a vote to approve placing these proposals on the ballot in November.**

## **XII. ADJOURNMENT**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**