

Date Posted: May 11, 2012

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

May 15, 2012

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

Executive Session 7:00 P.M., Room 101

7:30 P.M. Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)

A. Claims Committee

1.Allstate Fire & Casualty Ins. Co.

2.Margaret McAlarney

3.Joanne O'Brien

4.Ocean state Towing & Recovery, Inc.

5.Veronica Reis

6.Kathleen Rodrigues

II. CALL TO ORDER

III. SALUTE TO THE FLAG

IV. 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, May 2012 Calendar.**
- 2. RI DEM Office of Water Resources, Public Notice, draft RIPDES Pesticide General Permit (PGP) for discharges from the application of pesticides.**

B. Cancellation/Abatements

Year Amount

2011 \$93.13

2007 \$145.06

2006 \$30.42

Total \$268.61

C. Council Journals

- 1. Regular Council Meeting May 1, 2012**

D. Transfer Vict/Not Over 25

- 1. Hanuman, LLC DBA Willett Farms to P & M Enterprise, Inc. DBA Willett Farms, 185, Willett Avenue (02915)**
- 2. Chen Ai Lin DBA New China to Chen, Yi Mou DBA No. 1 China, 656 Bullocks Point Avenue (02915)**

E. Transfer Holiday Sales

Hanuman, LLC DBA Willett Farms to P & M Enterprise, Inc. DBA Willett Farms, 185, Willett Avenue (02915)

F. Class F

- 1. Gary Creta, 25 Glen Farms Ct. Warwick (02889), Car Show to Benefit the Trudeau Center, BRIGHTRIDGE CLUB, June 3, 2012**
- 2. Kim Casci, 1 Cedarwood Drive (02915), Motorcycle Run to Benefit Defenders of Animals, May 20, 2012.**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

V. PUBLIC COMMENT

VI. LICENSES NOT REQUIRING PUBLIC HEARING

A. Peddler/Ice Cream

Raul Nieves Rodriguez DBA Palagi's Ice Cream, 55 Bacon Street, Pawtucket (02860)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B. Peddler/Ice Cream

**Richard J. Venable DBA Del's Lemonade, 400 Waterman Avenue
(02914)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

C.Hawker

**Keith M. Lambert DBA Keystone Novelties, 201 Seymour Street,
Lancaster, PA 17603 Location: 40 Highland Avenue**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

D.Hawker

**Keith M. Lambert DBA Keystone Novelties, 201 Seymour Street,
Lancaster, PA 17603 Location: 655 Warren Avenue**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VII. NEW BUSINESS

A.City Managers Report (by City Manager Peter Graczykowski)

1. Departmental Activity Update

- 2. Governor's Municipal Relief and Reform Legislative Package**
- 3. Moody's Rating Update**
- 4. East Providence Budget Commission Activity Update**
- 5. Proposed Charter Amendments**
- 6. CDBG Proposed Funding for 2012/2013**

B. Reports of Other City Officials

- 1. School Committee Update (by Council Liaison School Committee Member Chrissy Rossi)**
- 2. Tranquility Park/Silver Spring DEM Award Letters (by Director of Planning Jeanne Boyle)**
- 3. Village on the Waterfront Update (by Director of Planning Jeanne Boyle)**

C. Council Members

- 1. Bi-Weekly Update (by Mayor Rogers)**
- 2. East Providence Youth Center/Jobs Program (by Mayor Rogers)**
- 3. Firework Vendors/Hawkers (by Assistant Mayor Rose)**
- 4. Forbes Street Landfill (by Assistant Mayor Rose)**
- 5. Request for Status Update on TLA/Pondview from the Law Department (by Councilman Conley)**

D. Resolutions

1.RESOLUTION IN SUPPORT OF THE MUNICIPAL RELIEF AND REFORM LEGISLATIVE PACKAGE SUBMITTED BY GOVERNOR LINCOLN D. CHAFFEE

WHEREAS, since the onset of the "Great Recession," cities and towns in Rhode Island have been struggling to find the means necessary to provide the vital services their residents require without becoming insolvent or taxing their residents out of their homes; and

WHEREAS, cuts in state aid to cities and towns have resulted in the level of municipal services being cut, hundreds of municipal workers being laid off, municipal salaries and benefits being renegotiated downward, reserve funds being wiped out and increases in the most onerous of all broad-based taxes, the property tax; and

WHEREAS, in East Providence alone, the loss of state aid is \$8,100,000 each year, from a \$2,300,000 loss of general revenue sharing and a \$5,800,000 loss of motor vehicle tax reimbursements; and

WHEREAS, to offset these losses, municipalities have been asking the state for four years to provide them with the tools to make the cuts they need to help offset the loss of the state revenues and to control ever-increasing pension costs, with full Annual Required Contribution of \$7,800,000 to \$9,300,000 in East Providence, in addition to \$1,800,000 currently contributed; and OPEB costs, with full Annual Required Contribution of \$5,900,000 to \$6,300,000 in East Providence; and

WHEREAS, recognizing the plight of municipalities, Governor Chafee is submitting a package of legislation to help municipalities resolve their financial problems and begin the process of recovery and financial stability;

WHEREAS, the package of bills includes:

 Legislation authorizing "highly distressed communities" to eliminate mandates and affect collective bargaining agreements and binding arbitration;

 Legislation reducing disability pensions for people in the MERS system to 50% for those who can perform other employment;

 Legislation authorizing cities and towns to limit pension benefits for new and non-vested employees in locally administered pensions to the benefits paid to employees in the MERS system, which would eventually result in the local plan savings of \$2,900,000 annually in East Providence due to the age threshold for benefit payment eligibility;

 Legislation authorizing municipalities with a locally administered pension to withhold cost of living adjustments if the pension is less than 60% funded and after certain findings are made, which would result in the local plan savings of \$264,000 annually in East Providence due to suspension of 3% benefit adjustment;

 Legislation requiring all school districts to implement a school budget model approved by the commissioner of education;

 Legislation providing that supplemental appropriations for the payment of past annual school department expenditures would not be included in a municipality's maintenance of effort requirement,

which would allow East Providence to address the \$7,300,000 accumulated Schools deficit without allocating this amount forward;

ه Legislation changing the dates and percentages of payments for foundation level school support and approved expenditures and also for payments of distressed community aid, with East Providence standing to benefit circa \$750,000 if it was included in the distressed community relief fund;

WHEREAS, the East Providence City Council believes that passage of this legislative package is in the best interest of the City of East Providence.

NOW, THEREFORE, BE IT RESOLVED, that the East Providence City Council does hereby support the legislative package submitted by Governor Chafee to assist cities and towns and urges the East Providence delegation to the General Assembly to work diligently for its passage.

Requested By: The City Manager

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2.Resolution to allow the following Question to be Placed on the Ballot at the Next General Election:

Question allowing the City Charter of the City of East Providence to be amended to hold that the fiscal year for the City of East Providence shall be set by ordinance

WHEREAS, the Home Rule Charter for the City of East Providence was originally adopted by the Town of East Providence in September 1954; and

WHEREAS, Article XIII, Sec. 8 of the Rhode Island Constitution allows for the legislative body of any city or town to propose amendment to the Charter, which amendments shall be submitted for approval to the qualified electors of the City at a general or special election; and

WHEREAS It is in the best interest of the City of East Providence that the fiscal year shall be set so as to maximize revenue and reduce the costs of borrowing to the City; and

WHEREAS, the current provision of the City Charter Sec. 5-1 establishes that the fiscal year of the city government shall begin on the first day of November and shall end on the last day of October of each calendar year unless a uniform fiscal year for all cities and towns shall be established by state law; and

WHEREAS, R.I. Gen Laws §35-2-2 empowers the City Council of any city not having a fiscal year commencing July 1 to vote on the establishment of a fiscal year commencing on July 1; and

WHEREAS, the City Council desires to amend the City Charter to allow the fiscal year to be changed by ordinance.

NOW, THEREFORE, BE IT RESOLVED that this proposed Charter amendment question be placed on the ballot in the next general election.

BE IT FURTHER RESOLVED that the ballot question expressly state that the amendment becomes effective upon passage without further

action.

This Resolution shall become effective upon its passage.

Resolution to allow the following Question to be Placed on the Ballot at the Next General Election:

Question allowing the City Charter of the City of East Providence to be amended to hold that there be established a budget reserve fund in the City of East Providence

WHEREAS, the Home Rule Charter for the City of East Providence was originally adopted by the Town of East Providence in September 1954; and

WHEREAS, Article XIII, Sec. 8 of the Rhode Island Constitution allows for the legislative body of any city or town to propose amendment to the Charter, which amendments shall be submitted for approval to the qualified electors of the City at a general or special election; and

WHEREAS, the current provision of the City Charter Article V. Budget, Secs. 5-1 et seq. establish the requirements to set the annual budget; and

WHEREAS, it is in the best interest of the City to place limitations on spending and establish a reserve fund; and

WHEREAS, the City Council desires to amend the City Charter to add the following section to allow the limitations on spending and the establishment of a budget reserve fund as follows;

Sec. 5-15

(a) No budget act shall cause the aggregate expenditures enacted in

any given fiscal year to exceed ninety nine percent (99%) of the anticipated revenues for such fiscal year as defined in Article V. Sec. 5-5 of this Charter.

(b) There is hereby established a budget reserve fund. Revenues in this budget reserve fund may be included in the budget, whenever:

(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 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 ten and one-half percent(10.5%);

(3) The city forecasts or experiences debt services expenditures net of any state aid reimbursement which exceed the prior year's debt service expenditures by an amount greater than three and one-half percent (3.5 %) 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.

Whenever funds are used, they must be replenished in equal parts over the two succeeding fiscal years to the amount that would have been in the fund had the expenditures not been made from the fund.

(c) The amount between the applicable percentage in (a) and one hundred percent (100%) of the anticipated revenue for any fiscal year defined in Article V, Sec. 5-5 of this Charter shall be transferred in any given fiscal year into the budget reserve fund; provided, however, that no such payment will be made which would increase the total of the budget reserve fund to more than five percent (10%) of only the anticipated revenues as set by subsection (a) of this section.

(d) In the event that the payment to be made into the budget reserve fund would increase the total of the budget reserve fund to more than ten percent (10%) of the anticipated revenues as defined in Article V, Sec. 5-5 of this Charter. In the event that the payment to be made into the budget reserve fund would increase the amount in said account to more than ten percent (10%) of estimated state general revenues that said amount shall be transferred to a capital fund to be used solely for funding capital projects.

(e) Capital projects shall not include debt reduction, principal or interest payments on debt, or for any other type of financing arrangement, but shall only be used for payment of direct actual expenses incurred for capital projects.

NOW, THEREFORE, BE IT RESOLVED that this proposed Charter amendment question be placed on the ballot in the next general

election.

BE IT FURTHER RESOLVED that the ballot question expressly state that the amendment becomes effective upon passage without further action.

This Resolution shall become effective upon its passage.

Resolution to allow the following Question to be Placed on the Ballot at the Next General Election:

Question allowing the City Charter of the City of East Providence to be amended to revise the organizational structure of the finance department, the police department and the fire department; and to change the residency requirements for the specified positions in charter.

WHEREAS, the Home Rule Charter for the City of East Providence was originally adopted by the Town of East Providence in September 1954; and

WHEREAS, Article XIII, Sec. 8 of the Rhode Island Constitution allows for the legislative body of any city or town to propose amendment to the Charter, which amendments shall be submitted for approval to the qualified electors of the City at a general or special election; and

WHEREAS, the current provision of the City Charter Article III. City Manager establishes that:

Sec. 3-4 Administrative Departments

There shall be a department of finance, a department of public works, a department of police, a department of fire and such other departments as may be established by ordinance;

Sec. 3-5. Directors of departments.

At the head of each department there shall be a director, who shall be an officer of the city and shall have supervision and control of the department subject to the city manager. Two [2] or more departments may be headed by the same individual, the manager may head one or more departments, and directors of departments may also serve as chiefs of divisions. and

WHEREAS, the current provisions of the City Charter Article IV. Department of Finance establish that:

Sec. 4-1 Finance department created; head of department designated; organization

(1) There shall be a department of finance, the duties of which shall include the supervision and direction of all matters pertaining to financial operations, and the head of which shall be the director of finance, who shall be, or be appointed by, the City Manager.

(2) The department shall be organized into the following divisions or offices: Control and accounts; treasury, assessment; purchasing. The heads of these divisions shall be respectively designated controller, treasurer, assessor and purchasing agent. They shall be appointed by the director of the department, with the approval of the city manager; and

WHEREAS, the current provisions of the City Charter Article VII Department of Police establish that:

Sec. 7-1. Police department; organization; appointment of police chief.

There shall be a department of police, the director of which shall be

the chief of police, who shall be appointed by the city manager, and who shall be subject to removal by the city manager. The further organization of the department into divisions or offices or grades shall be made by the council, on recommendation of the city manager. All appointments and promotions shall be made by the city manager as provided in article III, section 3, subsection (1) of this Charter; and

Sec. 7-2. Chief of police; qualifications.

The chief of police shall have adequate knowledge of the organization and administration of a police department and shall have had several years experience in the management and direction of police personnel.

Sec. 7-3. Police department; powers and duties.

(1) The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the state and the ordinances of the city and rules and regulations in accordance therewith. All members of the department shall have the same powers and duties as are vested in police officers by the laws of the state and the city ordinances.

(2) The chief of police, who is in direct command of the police force, shall, subject to the approval of the city manager, make rules and regulations in conformity with the city ordinances, concerning the conduct of all officers and employees thereof. He shall assign all subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct

and for the care and custody of all property used by the department.;
and

WHEREAS, the current provisions of the City Charter, Article VIII Department of Fire establish that:

Sec. 8-1. Fire department; organization; appointment of fire chief.

There shall be a department of fire, the director of which shall be the fire chief, who shall be appointed by the city manager, and who shall be subject to removal by the city manager. The further organization of the department into divisions or offices or grades shall be made by the council, on recommendation of the city manager. All appointments and promotions shall be made by the city manager as provided in article III, section 3, subsection (1) of this Charter.

Sec. 8-2. Fire chief; qualifications.

The fire chief shall have adequate knowledge of the organization and administration of a permanent fire department and shall have had several years experience in the management and direction of fire department personnel.;

Sec. 8-3. Fire department; powers and duties.

(1) The fire department shall be responsible for the protection of life and property within the city from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention and fire safety.

(2) The fire chief shall, subject to the approval of the city manager, make rules and regulations in conformity with the city ordinances concerning the operation of the department and the conduct of all officers and employees thereof. He shall assign all

subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct and for the care and custody of all property used by the department; and

WHEREAS, it is in the best interest of the City of East Providence that the administration revise or consolidate certain positions established in the Charter to reflect current duties and responsibilities; and

WHEREAS, it is in the best interest of the City that such positions, when vacant, be filled from the most competitive pool of applicants consistent with applicable statutes; and

WHEREAS, the City Council desires to amend the City Charter as follows:

Section 4-1 shall be amended to read:

(1) There shall be a department of finance, the duties of which shall include the supervision and direction of all matters pertaining to financial operations, and the head of which shall be the director of finance, who shall be, or be appointed by, the City Manager. The further organization of the department into divisions or offices shall be made by the council, on recommendation of the city manager.

(2) The department shall be organized into the following divisions or offices: Control and accounts; treasury, assessment; purchasing. The heads of these divisions shall be respectively designated controller, treasurer, assessor and purchasing agent. They shall be appointed by the director of the department, with the approval of the city manager; Those powers, duties and responsibilities of any division enumerated in this Article IV, shall be assigned to the

director of finance to be delegated in accordance with Sec. 3-5 of this Charter; and

WHEREAS, the City Council desires to amend the City Charter as follows:

Section 7-1 shall be amended to read:

There shall be a department of police, the director of which shall be the chief of police, who shall be appointed by the city manager, and who shall be subject to removal by the city manager. The further organization of the department into divisions or offices or grades shall be made by the council, on recommendation of the city manager. All appointments and promotions shall be made by the city manager as provided in article III, section 3, subsection (1) of this Charter;

Sec. 7-2. Chief of police; qualifications.

The chief of police shall have adequate knowledge of the organization and administration of a police department and shall have had several years experience in the management and direction of police personnel.

Sec. 7-3. Police department; powers and duties.

(1) The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the state and the ordinances of the city and rules and regulations in accordance therewith. All members of the department shall have the same powers and duties as are vested in police officers by the laws of the state and the city ordinances.

(2) The chief of police director of the department, who is in direct command of the police force, shall, subject to the approval of the city manager, make rules and regulations in conformity with the city ordinances, concerning the conduct of all officers and employees thereof. He shall assign all subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct and for the care and custody of all property used by the department.; and

WHEREAS, the City Council desires to amend the City Charter as follows:

Section 8-1 shall be amended to read:

There shall be a department of fire, the director of which shall be the fire chief, who shall be appointed by the city manager, and who shall be subject to removal by the city manager. The further organization of the department into divisions or offices or grades shall be made by the council, on recommendation of the city manager. All appointments and promotions shall be made by the city manager as provided in article III, section 3, subsection (1) of this Charter.

Sec. 8-2. Fire chief; qualifications.

The fire chief shall have adequate knowledge of the organization and administration of a permanent fire department and shall have had several years experience in the management and direction of fire department personnel.;

Sec. 8-3. Fire department; powers and duties.

(1) The fire department shall be responsible for the protection of life and property within the city from fire and for the enforcement of

all laws, ordinances and regulations relating to fire prevention and fire safety.

(2) The fire chief director of the department shall, subject to the approval of the city manager, make rules and regulations in conformity with the city ordinances concerning the operation of the department and the conduct of all officers and employees thereof. He shall assign all subordinates to their respective posts, shifts, details and duties and shall be responsible for their efficiency, discipline and good conduct and for the care and custody of all property used by the department.; and

WHEREAS, the City Council desires to amend the City Charter as follows:

That Article XIII, Sec. 13-18. Office to be vacant if officer ceases to be city resident; Article II, Secs. 2-14, Probate Judge, 2-16 City Clerk, and 2-17 City Solicitor shall be amended to establish that it is the specific preference of the City Council that persons holding said positions be residents of the City of East Providence and that said positions shall be filled with a preference given to residents of the City of East Providence; and

WHEREAS, the City Council desires to amend the City Charter as follows:

That Article III, Sec. 3-1 be amended to establish that at the time of appointment, the city manager need not be a resident of the city or state, but during the tenure of office, the city manager shall reside within a fifteen (15) mile radius of the city.

NOW, THEREFORE, BE IT RESOLVED that this proposed Charter

amendment question be placed on the ballot in the next general election.

BE IT FURTHER RESOLVED that the ballot question expressly state that the amendment becomes effective upon passage without further action.

This Resolution shall become effective upon its passage.

Resolution to allow the following Question to be Placed on the Ballot at the Next General Election:

Question allowing the City Charter of the City of East Providence to be amended to establish four (4) year terms for the members of the City Council and the East Providence School Committee

WHEREAS, the Home Rule Charter for the City of East Providence was originally adopted by the Town of East Providence in September 1954; and

WHEREAS, Article XIII, Sec. 8 of the Rhode Island Constitution allows for the legislative body of any city or town to propose amendment to the Charter, which amendments shall be submitted for approval to the qualified electors of the City at a general or special election; and

WHEREAS, the current provision of the City Charter Article X. Public Schools, Sec. 10-1 School Committee establishes that school committee members shall serve terms of two (2) years; and

WHEREAS, the current provision of the City Charter Article II. City Council, Sec. 2-1 establishes that members of the City Council shall serve terms of two (2) years; and

WHEREAS, the City Council desires to amend the City Charter to establish that school committee members shall serve terms of four

(4) years; and

WHEREAS, the City Council desires to amend the City Charter to establish that members of the City Council shall serve terms of four (4) years.

NOW, THEREFORE, BE IT RESOLVED that this proposed Charter amendment question be placed on the ballot in the next general election.

BE IT FURTHER RESOLVED that the ballot question expressly state that the amendment becomes effective upon passage without further action.

This Resolution shall become effective upon its passage.

Requested By: The City Manager

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

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.”

SECTION I. Section 3-1 entitled “Definitions” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended by adding thereto the following:

Abandonment means the relinquishment of all right, title, claim, or relinquishment of possession of an animal with the intention of not reclaiming it or resuming its ownership or possession.

SECTION II. Subsection (b)(2) of Section 3-5 entitled “Keeping rabbits, hares or pigeons” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended to read as follows:

(2) The animal control officer is empowered, if he finds such nuisance to exist, to serve verbal or written notice upon the owner or custodian that such nuisance must be abated.

(a) Should the nuisance continue unabated beyond a reasonable amount of time, set forth by the animal control officer, the owner of said animal may be punished by payment of the fines as set forth by Section 3-10(b) and/or be required to remove the animals from the City.

(i) Each additional animal shall constitute a separate offense.

(ii) Each additional day that the nuisance continues unabated shall constitute a separate offense.

SECTION III. Subsection (a) of Section 3-16 entitled “Penalty” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended to read as follows:

(a) Except as otherwise provided in this chapter any person convicted of violating any provision of this chapter may be punished by payment of the following fine schedules:

a. First offense \$ 30.00

b. Second offense within a year\$ 60.00

- c. Third offence within a year..... \$120.00
- d. Fourth offence within a year \$300.00
- (1) Allowing dog to run at large or harboring a dog which is a nuisance:
 - a. First offense\$ 30.00
 - b. Second offense within a year\$ 60.00
 - c. Third offence within a year\$120.00
 - d. Fourth offence within a year\$300.00
- (2) Harboring an unlicensed dog:
 - a. First offense\$50.00
 - b. Second offense\$200.00 & microchip of dog
 - c. Third offense\$500.00 & microchip of dog
- (3) Allowing a dog on school property\$25.00

SECTION IV. Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended by adding thereto the following:

Sec. 3-24.1. Abandonment of animals.

If any person having possession and/or control of an animal abandons that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure, in addition to any other lawful penalties, he or she shall pay a fine of two hundred dollars (\$200).

SECTION V. Section 3-25 entitled “Penalties for violations” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the

City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended to read as follows:

(a) Any animal control officer may issue the person(s) in violation of sections 3-24; 3-25; 3-27; 3-41 a fine of one hundred dollars (\$100.00) for a first violation, two hundred dollars (\$200.00) and seizure of animal for a second violation, and four hundred (\$400.00) and the seizure of the animal for a third violation. Second and subsequent violations of §3-24 or §3-41 may be considered violation of RIGL 4-1-2. In addition, for second and subsequent offenses, in the event a person is found guilty of a violation of this Chapter, they may not be permitted to own, keep or harbor or have custody of any animal for a minimum of one (1) year.

(b) In the event that any animal is in conditions or in an environment that, by the discretion of the Animal Control Officer, may be harmful to the health and well being of the animal, and for the first offense, the owner is not immediately available to correct the problem; the animal may be seized and impounded for safekeeping.

SECTION VI. Section 3-26 entitled “Disposition of animals” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended to read as follows:

Any animal seized in the enforcement of any law or court order that does not already have set rules for the disposition of that animal, sections 3-24, 3-25, or section 3-41 shall be impounded, and if the identity of owner is known by animal control, the animal control officer shall make every possible, reasonable effort to notify the

owners of such animals so impounded and to inform the those owners of the conditions whereby they may regain custody of their animal. Animal(s) seized will then be held for a period of 10 days, at the owners expense, unless (i) a release is signed by owner or guardian relinquishing ownership of the animal to the City, (ii) the animal is euthanized for humane reasons or (iii), the owner remedies the problem for which the animal was seized, and the animal control officer sees it fit to return the animal to the owner upon payment of fees. Upon conclusion of the 10 day hold period, if the owner has not come forward, the animal may be humanely destroyed, have its title transferred to the RI S.P.C.A., or be placed in a suitable home or with a rescue group. The owner / guardian shall be accountable for all fines, fees, and costs to the City for the minimum care of the animal.

SECTION VII. The title of Section 3-29 entitled “Animal confinement in motor vehicles prohibited” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended to read as follows:

Sec. 3-29. Animal confinement in motor vehicles prohibited-Transporting animals.

SECTION VIII. Section 3-29 entitled “Animal confinement in motor vehicles prohibited” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended by adding thereto the following:

(f) It shall be unlawful for any person to transport any animal or

animals either for business or pleasure on or in an open air motor vehicle unless the animal or animals being transported:

(1) Is kept in an enclosed area of the motor vehicle;

(2) The animal or animals are under the physical control of a person other than the operator of the motor vehicle; or

(3) The animal or animals are placed in the motor vehicle and safely restrained by a harness manufactured for the purpose of restraining animals by means other than neck restraints.

(4) Any person violating the provisions of this subsection shall be punished by a fine of not more than fifty dollars (\$50.00) for a first offense, nor more than two hundred dollars (\$200) for each subsequent offense. (R.I.G.L. §31-22-28)

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

Requested by: Animal Control Officer

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

F. Communications

1.Martin D. Chapman, Associated Radio Amateurs of Southern New England (ARASNE - W1AQ), 54 Kelley Avenue requesting to address the Council regarding continuation of property tax exemption status.

2.Susan Fidalgo and Steven Yuppa, 52 Burgess Avenue (02914)

requesting to address the Council regarding the failure of the requested Hawker license at the April 17, 2012 Council meeting.

3. Anthony Ferreira, 44 Brightridge Avenue (02914) requesting to address the Council regarding School Department moving to City Hall.

4. Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding contracts.

VIII. ADJOURNMENT

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

* Any items listed on the Council Docket may be subject to a vote.

*If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.