

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

REGULAR MEETING – CITY COUNCIL

-JULY 22, 2013-

Regular meeting of the City Council was held on Monday, July 22, 2013 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:050 P.M. by the Council President.

Roll call showed the following members present: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

Absent: Councilman Stycos -1.

Also Present: Carlos Lopez, Chief of Staff; Robert Strom, Director of Finance; Evan Kirshenbaum, Assistant City Solicitor; Kenneth Mason, Director of Public Works; Major Robert Ryan, Police Department.

Council President Lanni stated that Councilman Stycos is on vacation.

On motion by Councilman Favicchio, seconded by Councilman Aceto, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. PUBLIC HEARINGS

(limited to docketed matters)

Tim Dodd, Esq., appeared to represent Captain Thomas Dodd and addressed the "Request from Mayor Fung to place on disability pension" and stated that this should be discussed in Executive Session due to certain procedural and medical issues he would like to have discussion on. He stated that his client is requesting a continuance due to the fact that he is waiting for certain medical records from his physician. He is requesting a continuance also to discuss this matter further with the Administration as to the procedure. Tim Bliss, Esq., attorney for the City, appeared to speak.

Madelyn Shaw appeared to speak and stated that she is listed on the docket as a candidate for City's Grant Writer.

-JULY 22, 2013-

III. RESOLUTIONS

RESOLUTION AUTHORIZING THE MAYOR TO DECLINE THE RIGHT TO PURCHASE SURPLUS STATE PROPERTY FROM THE STATE OF RHODE ISLAND SPECIFICALLY ASSESSOR'S PLAT 16, LOT 183 (Intersection of Route 2 and Meshanticut Valley Parkway). Sponsored by Councilman Favicchio.

On motion by Councilman Favicchio, seconded by Councilman Santamaria, it was voted to suspend Rule 34B in order to act on the above Resolution. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

On motion by Councilman Favicchio, seconded by Councilman Archetto, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

IV. REPORT OF COMMITTEES

ORDINANCE COMMITTEE (Councilman Paul H. Archetto, Chair)

6-13-4 ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR VEHICLES AND TRAFFIC' (Macklin St. from Palmer Ave. to Suez No Through Trucking).

On motion by Councilman Archetto, seconded by Councilman Favicchio, it was voted to approve the above Ordinance.

On motion by Councilman Santamaria, seconded by Councilman Aceto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

City Clerk indicated that there is no Traffic Report. Mr. Lopez stated that the Administration and Councilman Santamaria have been working together on this and the Administration supports the amendment and the Ordinance.

On motion by Councilman Santamaria, seconded by Councilman Aceto, it was voted to adopt the above Ordinance as amended pending the Traffic Engineer's report. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

6-13-5 ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR VEHICLES AND TRAFFIC' (No Parking on Florida Ave., East Side).

On motion by Councilman Aceto, seconded by Councilman Archetto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

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CITY OF CRANSTON

**RESOLUTION OF THE CITY OF CRANSTON
AUTHORIZING THE MAYOR TO DECLINE THE RIGHT TO PURCHASE
VACANT LAND FROM THE STATE OF RHODE ISLAND SPECIFICALLY
ASSESSOR'S PLAT 16/4, LOT 183**

No. 2013-29

Passed:
July 22, 2013


John E. Lanni, Jr., Council President

Resolved, That

WHEREAS, the State of Rhode Island has offered to sell vacant property to the City of Cranston, specifically Assessor's Plat 16/4, Lot 183, 1.78 acres of vacant land located at the intersection of Route 2 and Meshanticut Valley Parkway in Cranston. See attached letters from the State of Rhode Island.

WHEREAS, the City of Cranston acknowledges receipt of this offer and seeks to decline its right to purchase the subject property.

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Cranston declines its right to purchase the aforementioned property from the State of Rhode Island.

Sponsored by: Councilman Michael W. Favicchio

Referred to Ordinance Committee August 15, 2013

6-13-04

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY
OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(Macklin Street From Palmer Avenue To Suez No through trucking)

No. 2013-20

*AS AMENDED IN COMMITTEE 7/11/2013

+As amended scrivener's error 7/22/2013

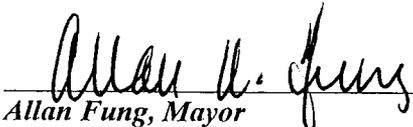
Passed:

July 22, 2013


John E. Lanni, Jr. Council President

Approved:

July 23, 2013


Allan Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 10.12, Section .225 entitled " Traffic Regulations for Specific Streets" is hereby amended by adding thereto the following:

10.12.225 - Through trucking—Trucks exceeding 33,000 pounds GVW.

A. The use of motor trucks exceeding thirty-three thousand (33,000) pounds gross vehicle weight (GVW), identified as 'Class 8 - Heavy Duty - 10 tires or more' by the USDOT in and upon the following streets or highways at any time is prohibited. Further, the motorized element used in the operation of these vehicles is restricted from being used upon the streets or highways or stored on abutting properties therein. The chief of police is directed to cause conspicuous signs to be placed on such streets or highways giving notice of such prohibition.

Macklin Street From Palmer Avenue To Suez

~~**+*B.Trucks delivering to Macklin St. addresses must enter via Calder St. and proceed to destination.**~~

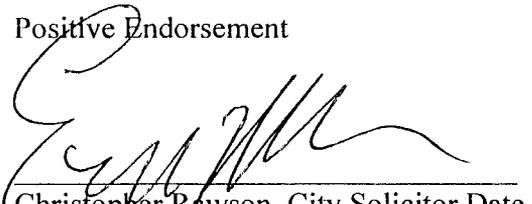
~~**+*B*C.** Provided, however, that nothing contained herein shall affect the use of such streets or highways by any fire trucks, city public works department trucks, police vehicle, ambulance, or other motor truck using such streets or highways in any emergency, or engaged in delivering goods, wares, merchandise or materials to or from any residence, building or lot fronted by the above specified streets or highways. **+Except for the following: Macklin Street From Palmer Avenue To Suez. Trucks delivering to Macklin St. addresses must enter via Calder St. and proceed to destination.**~~

Section 2. This Ordinance shall take effect upon its final adoption.

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Positive Endorsement

Negative Endorsement (attach reasons)



Christopher Rawson, City Soljcitor Date
7/22/13

Christopher Rawson, City Solicitor Date

Sponsored by: Councilman Santamaria

Referred to Ordinance Committee July 11, 2013

6-13-05

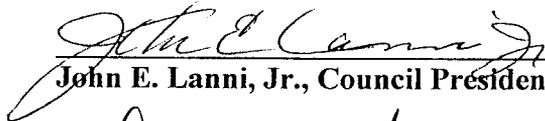
THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY
OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(No Parking on Florida Avenue, *~~West~~ East-Side)

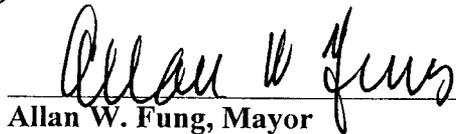
No. 2013-21

*AS AMENDED IN COMMITTEE 7/11/2013

Passed:
July 22, 2013


John E. Lanni, Jr., Council President

Approved:
July 23, 2013


Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 10.32, Section .040 entitled "No Parking on Certain Streets—Generally" is hereby amended by adding thereto the following:

10.32. Section .040 - No Parking on Certain Streets—Generally.

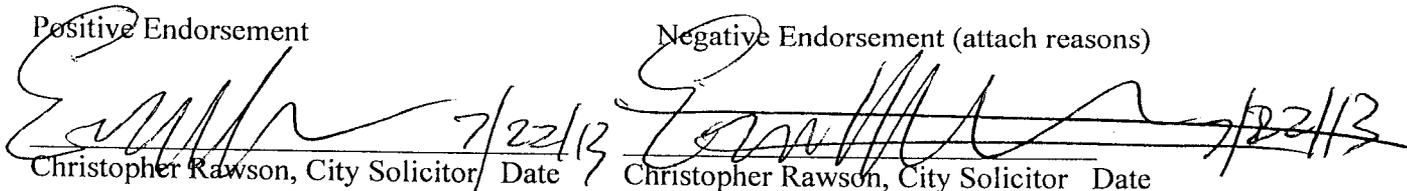
No vehicle shall remain standing for any period of time within or upon any of the following streets or highways or parts thereof:

Florida Avenue, *~~West~~ East Side, from Vigilant Street to New Hampshire Street

Section 2. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)


Christopher Rawson, City Solicitor Date 7/22/13 Christopher Rawson, City Solicitor Date 7/22/13

Sponsored by: Councilman Santamaria

Referred to Ordinance Committee July 11, 2013

-JULY 22, 2013-

FINANCE COMMITTEE
(Councilman Steven A. Stycos, Chair)

RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS

On motion by Councilman Archetto, seconded by Councilman Aceto, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS

On motion by Councilman Archetto, seconded by Councilman Aceto, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

TAX INTEREST WAIVER APPROVALS

On motion by Councilman Archetto, seconded by Councilman Aceto, it was voted to approve the above list of Tax Interest Waiver Approvals. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

TAX INTEREST WAIVER DENIALS

On motion by Councilman Archetto, seconded by Councilman Aceto, it was voted to approve the above list of Tax Interest Waiver Denials. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

**6-13-1 ORDINANCE RATIFYING THE TEAMSTERS, CHAUFFEURS,
WAREHOUSEMEN & HELPERS OF AMERICA, LOCAL UNION
NO. 251 MUNICIPAL EMPLOYEES (FY July 1, 2012 –
June 30, 2015).**

On motion by Councilman Archetto, seconded by Councilman Aceto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

**6-13-6 ORDINANCE TRANSFERRING APPROPRIATIONS AND
AMENDING THE BUDGET FOR THE FISCAL YEAR
COMMENCING JULY 1, 2012 AND ENDING JUNE 30, 2013 (4th
Quarter Transfers).**

On motion by Councilman Aceto, seconded by Councilman Archetto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL
AUTHORIZING REAL ESTATE/TANGIBLE TAX ABATEMENTS AS
RECOMMENDED BY CITY ASSESSOR

No. 2013-30

Passed:
July 22, 2013



John E. Lanni, Jr., Council President

Resolved, That

The request of the City Assessor for the following abatements for manifest errors and reasons therein stated be granted and that a certified copy of this Resolution be for the respective amounts a sufficient voucher for the City Treasurer.

(See attached list of Abatements)

ALLAN FUNG
MAYOR



DIVISION OF ASSESSMENT
869 PARK AVE
CRANSTON, RI 02910

SALVATORE SACCOCCIO JR.
CITY ASSESSOR

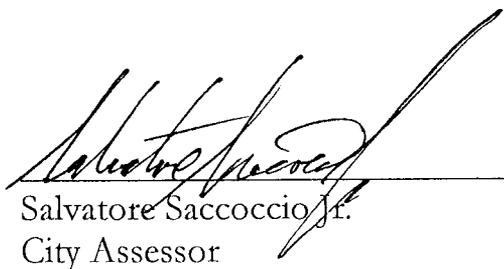
DAVID COLE
DEPUTY ASSESSOR

MEMO

DATE: June 28, 2013
TO: His Honor the Mayor and the Honorable City Council
FROM: City Assessor
RE: Real Estate and Tangible Abatements

The following assessments are recommended for abatement in the amounts and for the reasons hereinafter set forth:

<u>Assessment Date</u>	<u>Value</u>	<u>Tax</u>
December 31, 2011	31,337	715.74
December 31, 2012	<u>854,360</u>	<u>22,918.51</u>
Totals:	885,697	23,634.25



Salvatore Saccoccio Jr.
City Assessor

*** RECHIABT.REP *** Printed 06282013 at 11:25:09 by KARBJR

City of Cranston
2012 Abatement List

1 1313734001 016-0563 Location 0000000000
 Location 16 EAST HILL DR
 LAURITO FRANK TRUSTEE
 16 EAST HILL DRIVE
 CRANSTON RI 02920

Original	:	281400	6427.17	Original	:	Value	Tax
Exemption Omit	:	31337	715.74	Adjusted	:	Value	Tax
Adjusted	:	250063	5711.43	Adjusted	:	Value	Tax

Original	Value	Tax	Accounts
Abatements	281400	6427.17	on 1
Adjusted	31337	715.74	
	250063	5711.43	

City of Cranston
2013 Abatement List

Property ID	Address	Original Value	Exemption Omit	Adjusted Value	Original Tax	Exemption Omit	Adjusted Tax
1	0111956003 009-1046 Location 32 BRANCH AV AUR REAL ESTATE HOLDINGS LLC P.O. BOX 117 DOVER MA 02930	190800	2100	188700	4357.87	47.96	4309.91
2	0111854002 009-0253 Location 686 RESERVOIR AV ALTERNATE REALTY SALES LL 680 RESERVOIR AVE CRANSTON RI 02910	258200	8600	249600	8845.93	294.64	8551.29
3	0225326001 027-0072 Location 72 NELSON RD BENVENUTI ANTONIA LIFE ESTATE 72 NELSON RD CRANSTON RI 02921	199099	7743	191356	4547.41	176.85	4370.56
4	0331517002 016-0424 Location 260 MESHANTICUT VALLEY CAPRIO JOHN D IVANOV VIKTORIA JT 19 JASWINE CT CRANSTON RI 02920	335600	115600	220000	7665.10	2640.30	5024.80
5	0331863501 009-2492 Location 378 AUBURN ST COMPREHENSIVE COMMUNITY ACTION 311 DORIC AVENUE CRANSTON RI 02910	143700	9733	133967	3282.10	222.30	3059.80
6	0420089501 008-0004 Location 158 FARMINGTON AV DELGADILLO LLC 52 MERINO STREET PROVIDENCE RI 02909	282200	21100	261100	9668.17	722.89	8945.28
7	0411882501 012-1621 Location 136 ROYAL AV DIRAIMO CATHERINE LIFE ESTATE 136 ROYAL AVE CRANSTON RI 02920	121163	48206	72957	2767.35	1101.03	1666.32
8	0611333001 990-6113-330 Location 191 COUNCIL ROCK RD FERRARA ANTONIO ANTONIO FERRARA 191 COUNCIL ROCK RD CRANSTON RI 02921	25875	25875		920.73	920.74	..01
9	0714554501 018-1641 Location 9 BURDICK DR GIONIS ARGIRI 9 BURDICK DR CRANSTON RI 02920	183600	23501	160099	4193.42	536.76	3656.66

City of Cranston
2013 Abatement List

Line	Address	Original Value	Exemption	Adjusted Value	Original Tax	Exemption	Adjusted Tax
10	0815305001 002-3084 Location 268 NARRAGANSETT ST HARVEY CLIFFORD C HARVEY VIRGINIA A T/E 268 NARRAGANSETT ST CRANSTON RI 02905	120100	1800	118300	2743.08	41.11	2701.97
11	0815227001 990-8152-270 Location 2139 BROAD ST HOMEVESTORS GASPEE PROPERTIES, LLC 2139 BROAD ST CRANSTON RI 02905	12000	12000		411.12	411.12	
12	1313734001 016-0563 Location 16 EAST HILL DR LAURITO FRANK TRUSTEE 16 EAST HILL DRIVE CRANSTON RI 02920	281400	31337	250063	6427.17	715.74	5711.43
13	1404576001 007-1635 Location 60 LOWELL ST MANGASARIAN MAVIS E C/O KEVIN MANGASARIAN 63 POND VIEW DRIVE WARWICK RI 02886	102563	53310	49253	2342.52	1217.60	1124.92
14	1432042001 991-4320-420 Location 40 SLATER RD MCLAUGHLIN & MORAN INC MCLAUGHLIN & MORAN INC 40 SLATER ROAD CRANSTON RI 02920	54000	54000		1850.04	1850.04	
15	1417377501 012-1636 Location 156 HOLLAND ST MERCURIO VILMA LIFE ESTATE 156 HOLLAND ST CRANSTON RI 02920	185799	25661	159138	4243.64	608.94	3634.70
16	1716878501 991-7168-785 Location 1300 PARK AV PC AUTOMOTIVE INC CRISOSTOMI PETER 1300 PARK AVE CRANSTON RI 02920	13319	13319		456.30	456.31	
17	1705745001 009-2355 Location 24 HEMALIN RD PECK HELEN B 24 HEMALIN ROAD CRANSTON RI 02910	96263	30081	66182	2198.63	687.05	1511.58
18	1717906501 009-2897 Location 936 RESERVOIR AV PEZZELLI SYBIL J PEZZELLI EDWARD TRUSTEES 200 HUNTS BRIDGE RD NORTH ATTLEBORO MA 02760	628600	69000	559600	21535.83	2363.94	19171.89

City of Cranston
2013 Abatement List

Line	Address	Original Value	Original Tax	Exemption Omit	Adjusted Value	Adjusted Tax
19	1915801501 991-9158-015 Location 25 STARLINE WAY #10 R I RESTAURANT EQUIPMENT INC RICHARD WALTER 25 STARLINE WAY UNIT 10 CRANSTON RI 02921	6939	237.73	6939	6939	237.73
20	1916320501 991-9163-205 Location 97 SHEFFIELD RD REUTER ELLEN E ELLEN E REUTER 97 SHEFFIELD RD CRANSTON RI 02920	18550	635.52	18550	18550	635.52
21	1916320001 991-9163-200 Location 97 SHEFFIELD RD REUTER RONALD L RONALD L REUTER 97 SHEFFIELD RD CRANSTON RI 02920	17450	597.83	17450	17450	597.83
22	1916120504 007-1837 Location 133 CRESCENT AV RHODE ISLAND HOUSING & MORTGAG 44 WASHINGTON STREET PROVIDENCE RI 02903	135600	3097.10	22290	113310	2588.00
23	1916120502 005-0810 Location 85 HARPER AV RHODE ISLAND HOUSING & MORTGAG 44 WASHINGTON ST PROVIDENCE RI 02903-7120	160100	3656.68	22370	137730	3145.75
24	1916120503 005-2165 Location 706 PONTIAC AV RHODE ISLAND HOUSING & MORTGAG 44 WASHINGTON ST PROVIDENCE RI 02903-7120	139400	3183.89	22915	116485	2660.51
25	1916120508 009-1925 Location 121 FORBSON AV RHODE ISLAND HOUSING & MORTGAG 44 WASHINGTON STREET PROVIDENCE RI 02903-7120	142600	3256.98	31265	111345	2543.12
26	1916120505 007-3331 Location 100 FOUNTAIN AV RHODE ISLAND HOUSING & MORTGAG 44 WASHINGTON STREET PROVIDENCE RI 02903	137000	3129.08	5630	131370	3000.49
27	1916120506 008-0376 Location 62 RANDALL ST RI HOUSING & MORTGAGE FINANCE 44 WASHINGTON STREET PROVIDENCE RI 02903-7120	144700	3304.94	53519	91181	2082.57

City of Cranston
2013 Abatement List

Account	Location	Original Value	Exemption Omit	Adjusted Value	Original Tax	OUT OF BUSINESS	Adjusted Tax
28	1911538001 009-2029 Location 87 FORDSON AV ROUX FLORENCE R 87 FORDSON AVE CRANSTON RI 02910	110163	23563	86600	2516.11	598.18	1977.93
29	2000851001 030-0191 Location 1369 HOPE RD SACCOCCIO MARGARET A 1369 HOPE ROAD HOPE RI 02831-1862	116363	1090	115273	2657.71	24.90	2632.81
30	2026204001 035-0229 Location 39 HUMMINGBIRD LN SCZERBINSKI JANE M TRUSTEE 39 HUMMINGBIRD LANE CRANSTON RI 02921	380500	23501	356999	8690.62	536.76	8153.86
31	2026310501 992-0263-105 Location 166 FOX RIDGE DR STASCAVAGE PAUL W PAUL W STASCAVAGE 166 FOX RIDGE DR CRANSTON RI 02921	40500	40500		1387.53		1387.53
32	2024523001 992-0245-230 Location 24 CARMAN ST SUNSHINE AUTO GROOMING INC CHARLES VANNER PRES 84 WELLS AVE WARWICK RI 02889	1676			57.41		57.42
33	2108839501 992-1088-395 Location 744 PARK AV THE NIELSEN COMPANY (US) LLC C/O THOMSON REUTERS PO BOX 4900 SCOTTSDALE AZ 85261	8146			279.08		279.08

Original Value	Tax	Abatement	Adjusted Value	Adjusted Tax
4794968	125144.62	854360	3940608	102226.11

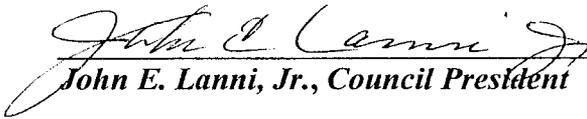
on 33 Accounts

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL
AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS AS RECOMMENDED
BY CITY ASSESSOR

No. 2013-31

Passed:
July 22, 2013



John E. Lanni, Jr., Council President

Resolved, That

The request of the City Assessor for the following abatements for manifest errors and reasons therein stated be granted and that a certified copy of this Resolution be for the respective amounts a sufficient voucher for the City Treasurer.

(See attached list of Abatements)

ALLAN FUNG
MAYOR



DIVISION OF ASSESSMENT
869 PARK AVE
CRANSTON, RI 02910

SALVATORE SACCOCCIO JR.
CITY ASSESSOR

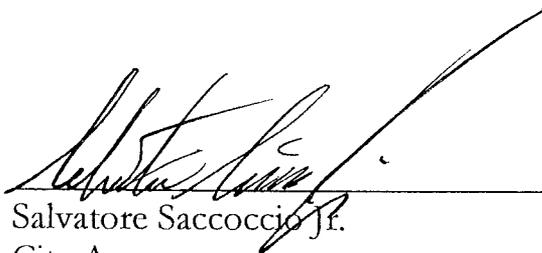
DAVID COLE
DEPUTY ASSESSOR

MEMO

DATE: June 28, 2013
TO: His Honor the Mayor and the Honorable City Council
FROM: City Assessor
RE: Motor Vehicle Abatements

The following assessments are recommended for abatement in the amounts and for the reasons hereinafter set forth:

<u>Assessment Date</u>	<u>Value</u>	<u>Tax</u>
December 31, 2009	3,290	139.61
December 31, 2010	6,444	273.50
December 31, 2011	115,452	4,899.79
December 31, 2012	<u>604,802</u>	<u>25,667.78</u>
Totals:	729,988	30,980.68



Salvatore Saccoccio Jr.
City Assessor

City of Cranston
2010 Motor Vehicle
Abatement List

Vehicle ID	Year	Make	Model	City of Cranston	Motor Vehicle ID	Abatement List	Original Value	Original Tax	Adjusted Value	Adjusted Tax
34002220	1992	HOND	MD 857	0000035913	0000000000	0000000000	2,675	193.11	2,675	193.11
STOLEN/SOLD/JUNK/TOT										
Adjusted Tax: 138.55										
39001550	1999	DODG	QY 930	0000073048	0000000000	0000000000	2504	85.05	2504	85.05
EXEMPTION OMITTED										
Adjusted Tax: 138.55										

For Tax Year: 2010

Original Value	Tax	Adjusted Value	Adjusted Tax
5179	278.16	5179	278.16
138.55	139.61	138.55	139.61

on 2 Accounts

City of Cranston
2011 Motor Vehicle
Abatement List

1	34002160	0000035664	2	34029660	0000044962	3	39001490	0000071816
Vehicle 1992	HOND	MD 857	Vehicle 2006	BUIC	721031	Vehicle 2000	DODGE	CQ 759
ID 1HGCB767XNA221810			ID 365DA03L265533917			ID 2B5MB35Z3YK166786		
DAMIANI MICHAEL			DOUBLE H ELECTRIC			IGLESIA PENTECOSTE MONTE DE Z		
120 PRESTON AVENUE			46 WELLS AVE			45 BAILLEY STREET		
Cranston RI 02920			Cranston RI 02910			Cranston RI 02920		

Original Value	762	Original Value	12659	Original Value	680
STOLEN/SOLD/JUNK/TOT		STOLEN/SOLD/JUNK/TOTA		EKEMPTION OMITTED	
Adjusted Tax:	77.54	Adjusted Tax:	470.79	Adjusted Tax:	91.76

4	43043920	0000100969	5	43045770	0000101553	6	46027470	0000118159
Vehicle 2005	CHEV	730692	Vehicle 2005	CADI	SH 955	Vehicle 2004	CHEV	AU 570
ID 2G1MF52E759148196			ID 19YEE637850230857			ID 2CNBJ734846917189		
MOSELEY WILLIE J			MULTI STATE MORTGAGE INC			POTTER ALFRED H		
301 OAKLAWN AVE			46 WELLS AVE			100 ARTHUR ST 104		
Cranston RI 02920			Cranston RI 02910			Cranston RI 02903		

Original Value	6,886	Original Value	14058	Original Value	6622
STOLEN/SOLD/JUNK/TOT		STOLEN/SOLD/JUNK/TOTA		STOLEN/SOLD/JUNK/TO	
Adjusted Tax:	284.39	Adjusted Tax:	776.03	Adjusted Tax:	259.82

7	49012490	0000132556	Vehicle 2010	TOYT	930969	Vehicle 0000	ID	0000000000
ID 2T1BU4EE8AC245497			SCULLY THOMAS M			Vehicle 0000	ID	0000000000
138 WARREN AVE								
Cranston RI 02920								

Original Value	14,900	Original Value	0000000000	Original Value	0000000000
STOLEN/SOLD/JUNK/TOT		STOLEN/SOLD/JUNK/TOTA		STOLEN/SOLD/JUNK/TO	
Adjusted Tax:	607.79	Adjusted Tax:	776.03	Adjusted Tax:	200.03

For Tax Year: 2011

Original Value	56567	Tax	2690.07
Adjusted Tax	2416.57	on 7	Accounts

City of Cranston
2012 Motor Vehicle
Abatement List

Line	Original Value	Original Tax	Adjusted Tax	Original Value	Original Tax	Adjusted Tax	Original Value	Original Tax	Adjusted Tax
1	33016970	0000024621	011551	33032640	0000030106	986538	33035650	0000031139	892234
	Vehicle 1999 ID 1FAFP53UXXG268708 CATUTO ANTHONY G 3 WESTERN HILLS LANE APT 1501 CRANSTON RI 02921	FORD		Vehicle 2010 ID 3FAHP0HABR297439 COLONIAL PACIFIC LEASING CORP PO BOX 3649 Danbury CT 06813	FORD		Vehicle 2009 ID J1B1BK32G191204862 COON WILLIAM G 66 GLEN AVE CRANSTON RI 02905	MAD	
	Original : 594 EXEMPTION OMITTED Adjusted Tax: 25.21	25.21	25.21	Original : 16125 STOLEN/SOLD/JUNK/TOTA Adjusted Tax: 2038.68	2521.95	483.27	Original : 13800 OUT OF STATE REG Adjusted Tax: 564.45	13800	564.45
4	34004170	0000036527	985424	34008040	0000037926	IA 550	37012280	0000059334	FG 577
	Vehicle 2004 ID WAUCD64894N102796 DARIUS WILSNY 10 DUNHAM AVE Cranston RI 02905	AUDI		Vehicle 2003 ID 1FAFP5263A221663 DECOTTS JASON W 5 WELLISTON ST CRANSTON RI 02920	FORD		Vehicle 2001 ID 1HGCG16521A052549 GIRARD LOUISE D 200 ALBERT AVE Cranston RI 02905	HOND	
	Original : 2,831 STOLEN/SOLD/JUNK/TOT Adjusted Tax: 2.93	113.23	110.30	Original : 3266 DECEASED Adjusted Tax: 117.39	117.39	117.39	Original : 3635 STOLEN/SOLD/JUNK/TO Adjusted Tax: 54.96	3635	133.64
7	37012840	0000059508	PM 529	37020510	0000062124	840555	38006250	0000065592	209656
	Vehicle 1999 ID VYLLS6DX1595644 GIVIENS TERESA M 14 RUBY ST Cranston RI 02905	VOLV		Vehicle 2004 ID 1N4BA41E74C915347 GREENE ADAM 128 SHELDON STREET # 1 CRANSTON RI 02905	NISS		Vehicle 2005 ID 1GAH39U851185740 HATIAN BAPTIST C H 12 LINCOLN AVE CRANSTON RI 02920	CHEV	
	Original : 1,530 OUT OF COMMUNITY Adjusted Tax: 135.98	166.79	30.81	Original : 3115 STOLEN/SOLD/JUNK/TOTA Adjusted Tax: 123.50	123.50	123.50	Original : 6822 EXEMPTION OMITTED Adjusted Tax: 279.14	6822	279.14
10	39001500	0000071795	CO 759	43014530	0000091369	6356887	43043370	0000100641	730692
	Vehicle 2000 ID 2B5M835Z3YK166786 IGLESIJA PENTECOS MONTE DE SIO 45 BAILEY ST Cranston RI 02920	DODG		Vehicle 2008 ID WPA82948S732188 MARTINS MANUEL E 49 LINCOLN PARK AVE Cranston RI 02920	PORS		Vehicle 2005 ID 2G1WF52E759148196 MOSELEY WILLIE J 301 OAKLAWN AVE Cranston RI 02920	CHEV	
	Original : 1,712 EXEMPTION OMITTED Adjusted Tax: 100.33	100.33	100.33	Original : 58475 STOLEN/SOLD/JUNK/TOTA Adjusted Tax: 3613.68	58475	1981.63	Original : 5994 STOLEN/SOLD/JUNK/TO Adjusted Tax: 233.17	5994	233.17

City of Cranston
2012 Motor Vehicle
Abatement List

Vehicle ID	Year	Value	Tax	Original Value	Tax	Adjusted Tax
46027780 Vehicle 2004 ID 2CNRJ734846917189 CHEV POTTER ALFRED H 100 ARTHUR ST 104 CRANSTON RI 02903	13	0000117542	154.82	4,021	154.82	154.82
49012570 Vehicle 2010 ID 2T1BUAE8AC245497 TOYT SCULLY THOMAS M 138 WARREN AVE Cranston RI 02920	14	0000132103	595.22	14525	595.22	595.22
50008640 Vehicle 2006 ID JTDKB20U469200243 TOYO TINDALL WOODMAN SARA K 241 PAWTUXET AVE Cranston RI 02905	15	0000143882	466.16	11484	466.16	444.49

For Tax Year: 2012

Original	Value	Tax	Adjusted Tax	Accounts
Original	147929	11190.51	4899.79	on 15
Adjusted Tax			6290.72	

City of Cranston
2013 Motor Vehicle
Abatement List

Vehicle ID	Year	Make	Model	Color	Original Value	Original Tax	Wrong Model Tax	Adjusted Tax
31004120	2006	VOLK			692	27.63	27.63	27.63
31005970	2007	HMT			460	950.19	5.64	944.55
31006300	1998	NISS			137	137	2.67	2.67
31006330	2008	HOND			16673	864.50	454.83	1622.82
31013630	2008	CHEV			9263	830.34	371.90	458.44
31018830	2005	NISS			9709	927.69	168.39	759.30
32004560	2007	ROAD			037436	149.39	149.39	149.39
32011485	2008	KIA			018189	841	409.67	409.67
32011640	2010	FORD			14875	610.08	127.32	482.76
32017180	2011	FREE			019111	118.92	118.92	118.92
32025320	2006	FORD			EE 977	458.44	458.44	458.44
32027970	2008	HM			038142	14875	127.32	14747.68
32028530	2006	FORD			EE 977	458.44	458.44	458.44
32029530	2006	FORD			EE 977	458.44	458.44	458.44
32030530	2006	FORD			EE 977	458.44	458.44	458.44
32031530	2006	FORD			EE 977	458.44	458.44	458.44
32032530	2006	FORD			EE 977	458.44	458.44	458.44
32033530	2006	FORD			EE 977	458.44	458.44	458.44
32034530	2006	FORD			EE 977	458.44	458.44	458.44
32035530	2006	FORD			EE 977	458.44	458.44	458.44
32036530	2006	FORD			EE 977	458.44	458.44	458.44
32037530	2006	FORD			EE 977	458.44	458.44	458.44
32038530	2006	FORD			EE 977	458.44	458.44	458.44
32039530	2006	FORD			EE 977	458.44	458.44	458.44
32040530	2006	FORD			EE 977	458.44	458.44	458.44
32041530	2006	FORD			EE 977	458.44	458.44	458.44
32042530	2006	FORD			EE 977	458.44	458.44	458.44
32043530	2006	FORD			EE 977	458.44	458.44	458.44
32044530	2006	FORD			EE 977	458.44	458.44	458.44
32045530	2006	FORD			EE 977	458.44	458.44	458.44
32046530	2006	FORD			EE 977	458.44	458.44	458.44
32047530	2006	FORD			EE 977	458.44	458.44	458.44
32048530	2006	FORD			EE 977	458.44	458.44	458.44
32049530	2006	FORD			EE 977	458.44	458.44	458.44
32050530	2006	FORD			EE 977	458.44	458.44	458.44
32051530	2006	FORD			EE 977	458.44	458.44	458.44
32052530	2006	FORD			EE 977	458.44	458.44	458.44
32053530	2006	FORD			EE 977	458.44	458.44	458.44
32054530	2006	FORD			EE 977	458.44	458.44	458.44
32055530	2006	FORD			EE 977	458.44	458.44	458.44
32056530	2006	FORD			EE 977	458.44	458.44	458.44
32057530	2006	FORD			EE 977	458.44	458.44	458.44
32058530	2006	FORD			EE 977	458.44	458.44	458.44
32059530	2006	FORD			EE 977	458.44	458.44	458.44
32060530	2006	FORD			EE 977	458.44	458.44	458.44
32061530	2006	FORD			EE 977	458.44	458.44	458.44
32062530	2006	FORD			EE 977	458.44	458.44	458.44
32063530	2006	FORD			EE 977	458.44	458.44	458.44
32064530	2006	FORD			EE 977	458.44	458.44	458.44
32065530	2006	FORD			EE 977	458.44	458.44	458.44
32066530	2006	FORD			EE 977	458.44	458.44	458.44
32067530	2006	FORD			EE 977	458.44	458.44	458.44
32068530	2006	FORD			EE 977	458.44	458.44	458.44
32069530	2006	FORD			EE 977	458.44	458.44	458.44
32070530	2006	FORD			EE 977	458.44	458.44	458.44
32071530	2006	FORD			EE 977	458.44	458.44	458.44
32072530	2006	FORD			EE 977	458.44	458.44	458.44
32073530	2006	FORD			EE 977	458.44	458.44	458.44
32074530	2006	FORD			EE 977	458.44	458.44	458.44
32075530	2006	FORD			EE 977	458.44	458.44	458.44
32076530	2006	FORD			EE 977	458.44	458.44	458.44
32077530	2006	FORD			EE 977	458.44	458.44	458.44
32078530	2006	FORD			EE 977	458.44	458.44	458.44
32079530	2006	FORD			EE 977	458.44	458.44	458.44
32080530	2006	FORD			EE 977	458.44	458.44	458.44
32081530	2006	FORD			EE 977	458.44	458.44	458.44
32082530	2006	FORD			EE 977	458.44	458.44	458.44
32083530	2006	FORD			EE 977	458.44	458.44	458.44
32084530	2006	FORD			EE 977	458.44	458.44	458.44
32085530	2006	FORD			EE 977	458.44	458.44	458.44
32086530	2006	FORD			EE 977	458.44	458.44	458.44
32087530	2006	FORD			EE 977	458.44	458.44	458.44
32088530	2006	FORD			EE 977	458.44	458.44	458.44
32089530	2006	FORD			EE 977	458.44	458.44	458.44
32090530	2006	FORD			EE 977	458.44	458.44	458.44
32091530	2006	FORD			EE 977	458.44	458.44	458.44
32092530	2006	FORD			EE 977	458.44	458.44	458.44
32093530	2006	FORD			EE 977	458.44	458.44	458.44
32094530	2006	FORD			EE 977	458.44	458.44	458.44
32095530	2006	FORD			EE 977	458.44	458.44	458.44
32096530	2006	FORD			EE 977	458.44	458.44	458.44
32097530	2006	FORD			EE 977	458.44	458.44	458.44
32098530	2006	FORD			EE 977	458.44	458.44	458.44
32099530	2006	FORD			EE 977	458.44	458.44	458.44
32100530	2006	FORD			EE 977	458.44	458.44	458.44
32101530	2006	FORD			EE 977	458.44	458.44	458.44
32102530	2006	FORD			EE 977	458.44	458.44	458.44
32103530	2006	FORD			EE 977	458.44	458.44	458.44
32104530	2006	FORD			EE 977	458.44	458.44	458.44
32105530	2006	FORD			EE 977	458.44	458.44	458.44
32106530	2006	FORD			EE 977	458.44	458.44	458.44
32107530	2006	FORD			EE 977	458.44	458.44	458.44
32108530	2006	FORD			EE 977	458.44	458.44	458.44
32109530	2006	FORD			EE 977	458.44	458.44	458.44
32110530	2006	FORD			EE 977	458.44	458.44	458.44
32111530	2006	FORD			EE 977	458.44	458.44	458.44
32112530	2006	FORD			EE 977	458.44	458.44	458.44
32113530	2006	FORD			EE 977	458.44	458.44	458.44
32114530	2006	FORD			EE 977	458.44	458.44	458.44
32115530	2006	FORD			EE 977	458.44	458.44	458.44
32116530	2006	FORD			EE 977	458.44	458.44	458.44
32117530	2006	FORD			EE 977	458.44	458.44	458.44
32118530	2006	FORD			EE 977	458.44	458.44	458.44
32119530	2006	FORD			EE 977	458.44	458.44	458.44
32120530	2006	FORD			EE 977	458.44	458.44	458.44
32121530	2006	FORD			EE 977	458.44	458.44	458.44
32122530	2006	FORD			EE 977	458.44	458.44	458.44
32123530	2006	FORD			EE 977	458.44	458.44	458.44
32124530	2006	FORD			EE 977	458.44	458.44	458.44
32125530	2006	FORD			EE 977	458.44	458.44	458.44
32126530	2006	FORD			EE 977	458.44	458.44	458.44
32127530	2006	FORD			EE 977	458.44	458.44	458.44
32128530	2006	FORD			EE 977	458.44	458.44	458.44
32129530	2006	FORD			EE 977	458.44	458.44	458.44
32130530	2006	FORD			EE 977	458.44	458.44	458.44
32131530	2006	FORD			EE 977	458.44	458.44	458.44
32132530	2006	FORD			EE 977	458.44	458.44	458.44
32133530	2006	FORD			EE 977	458.44	458.44	458.44
32134530	2006	FORD			EE 977	458.44	458.44	458.44
32135530	2006	FORD			EE 977	458.44	458.44	458.44
32136530	2006	FORD			EE 977	458.44	458.44	458.44
32137530	2006	FORD			EE 977	458.44	458.44	458.44
32138530	2006	FORD			EE 977	458.44	458.44	458.44
32139530	2006	FORD			EE 977	458.44	458.44	458.44
32140530	2006	FORD			EE 977	458.44	458.44	458.44
32141530	2006	FORD			EE 977	458.44	458.44	458.44
32142530	2006	FORD			EE 977	458.44	458.44	458.44
3214353								

City of Cranston
2013 Motor Vehicle
Abatement List

Line	Vehicle ID	Year	Make	Model	Address	City	State	Zip	Original Value	Original Tax	Wrong Model Tax	Adjusted Tax
25	34007930	2003	FORD	IA 550					0000037907	34.47	34.47	34.47
26	34013070	2012	TOYT						0000039618	603.84	127.32	476.52
27	34013265	2010	NISS	BD 137					0000039667	28050	1169.22	607.96
28	34016520	1999	STRN	JD 430					0000040654	990	34.47	34.47
29	34022580	2009	CHAN						0000042563	13298	476.52	476.52
30	34026230	2001	DODG						0000043946	28050	1169.22	607.96
31	34029250	1995	TOY	572559					0000044882	1,073	76.39	76.39
32	34033080	2008	HD						0000046095	1100	141.11	25.46
33	35001500	2007	CARR						0000047640	2409	81.02	22.79
34	36017010	2003	LEXS	TFU000					0000054836	6,748	894.21	257.19
35	37000650	2003	TOYT	EB 226					0000055379	13780	563.60	563.60
36	37001930	1996	FORD						0000055827	968	475.66	19.86

Original Value Tax
 OUT OF COMMUNITY 10,325 416.97
 Adjusted Tax: 416.97

Original Value Tax
 OUT OF STATE REG 4143 154.82
 Adjusted Tax: 154.82

Original Value Tax
 WRONG MODEL 900 2182.95
 Adjusted Tax: 2165.97

City of Cranston
2013 Motor Vehicle
Abatement List

Vehicle ID	Year	Make	Model	City	Original Value	Adjusted Value	Original Tax	Adjusted Tax	Exemption
37007180	1998	VOLV			000057538	094390	672.72	13.41	STOLEN/SOLD/JUNK/TOT
37007400	2005	MAZD			000057608	513927	99.06	90.56	STOLEN/SOLD/JUNK/TOTA
37009730	2002	DODG			000058417		65.40	65.40	EXEMPTION OMITTED
37012740	1999	VOLV			000059342		65.40	65.40	EXEMPTION OMITTED
37019790	2010	JEEP			000061632	GD 87	957.24	19.86	WRONG MODEL
38006250	2005	CHEV			000065297		734	18.04	DECEASED
38007630	2008	CADI			000065761		1499	42.40	OUT OF COMMUNITY
39001520	2000	DODG			000071990	CQ 759	339.22	339.22	EXEMPTION OMITTED
39001550	2006	MERZ			000071996		601.37	127.32	EXEMPTION OMITTED
39012780	2007	MGUZZ			000067426		47	001249	
3901520	2000	DODG			000071990	CQ 759	339.22	339.22	EXEMPTION OMITTED
3901550	2006	MERZ			000071996		601.37	127.32	EXEMPTION OMITTED

Original Value Tax Original Value Tax Original Value Tax Original Value Tax
 STOLEN/SOLD/JUNK/TOT 2,109 222.73 Original Value Tax
 Adjusted Tax: 143.70 79.03 EXEMPTION OMITTED 1629 93.45
 Adjusted Tax: 143.70 79.03

City of Cranston
2013 Motor Vehicle
Abatement List

Vehicle ID	Year	Make	Model	Value	Tax	Original Value	Tax	Adjusted Value	Tax
39001640	1997	PLYM	IV 693	0000072020	142.60	39003350	0000072594	0	192
41005560	2004	HOND	060643	0000077302	26.34	41007230	0000077807	DT 396	54
41009020	2002	AMER	025075	0000078329	189.40	41009030	0000078331	AD 985	57
42015590	2011	FORD	145032	0000084427	5.76	43001660	0000087299		60
43001660	2000	TOYO	039698	0000087299	352.30	43009080	0000089768	M	38
44008170	1999	STRN	LK 177	0000078084	161.82	42005880	0000081256	IP 509	
45000000	2005	STRN	PK 32	0000077015	127.32	42005880	0000081256		
46000000	2005	STRN	PK 32	0000077015	34.50	42005880	0000081256		
47000000	2005	STRN	PK 32	0000077015	745.16	42005880	0000081256		
48000000	2005	STRN	PK 32	0000077015	21.56	42005880	0000081256		
49000000	2005	STRN	PK 32	0000077015	723.60	42005880	0000081256		
50000000	2005	STRN	PK 32	0000077015	1008	42005880	0000081256		
51000000	2005	STRN	PK 32	0000077015	152.96	42005880	0000081256		
52000000	2005	STRN	PK 32	0000077015	152.96	42005880	0000081256		

City of Cranston
2013 Motor Vehicle
Abatement List

Vehicle ID	Year	Make	Model	Value	Tax	Original Value	Original Tax	Adjusted Tax
73	46007480	0000111044	74	46008320	0000113333	75	46008730	000011475
Vehicle 2005	INTL	022015	Vehicle 2003	MERC	719822	Vehicle 2004	EAGER	063297
ID 1HTMKAA875H127466			ID 1MEHMS5513G608859			ID 112H8V3294L062462		
PARK AVENUE CEMENT BLOCK CO I			PARSONS TIMOTHY L			PASQUAZZI BROS INC		
30 BUDLONG AVE			85 BRIGGS STREET			464 DYER AVE		
Cranston RI 02910			Cranston RI 02920			Cranston RI 02920		
Original Value	20,064	Tax	Original Value	3024	Tax	Original Value	20770	Tax
STOLEN/SOLD/JUNK/TOT	830.30	550.65	EXEMPTION OMITTED	107.12	107.12	WRONG MODEL	3533.92	754.16
Adjusted Tax:	279.65		Adjusted Tax:			Adjusted Tax:	2779.76	
76	46016600	0000114597	77	46017490	0000114871	78	46027320	0000118074
Vehicle 1999	MACK	065107	Vehicle 2007	TOYT	RP 315	Vehicle 2003	SUBA	XS 332
ID 1M2P267G8X044158			ID 211BR32E47G848651			ID 4S8BH67533763826		
PERUGINO MICHAEL A			PETRACCA ROSEMARIE			POTTER TOBY E		
55 COUNCIL ROCK RD			59 OLD OAK AVE			106 HYBRID DR APT 5		
Cranston RI 02921			Cranston RI 02920			Cranston RI 02920		
Original Value	2,463	Tax	Original Value	8973	Tax	Original Value	4366	Tax
STOLEN/SOLD/JUNK/TOT	83.35	13.02	DECEASED	359.63	359.63	EXEMPTION OMITTED	164.07	164.07
Adjusted Tax:	70.33		Adjusted Tax:			Adjusted Tax:		
79	46027930	0000118279	80	46029180	0000118660	81	48002540	0000120530
Vehicle 2008	FORD	889739	Vehicle 2008	FORD	PR 400	Vehicle 2009	CHEV	002038
ID 1FKU03148KE03464			ID 1FAHR35N28M285299			ID 2G1WTS7K691302537		
PRAIRIE KEITHA J			PROCCACCIANI ROY V			RANGER JUSTIN K		
1294 NEW LONDON AVE			205 SCITUATE VISTA DR			25 THISTLE DR		
Cranston RI 02920			Cranston RI 02921			Cranston RI 02920		
Original Value	106	Tax	Original Value	5910	Tax	Original Value	13475	Tax
STOLEN/SOLD/JUNK/TOT	790.53	4.33	DECEASED	110.39	110.39	EXEMPTION OMITTED	498.12	21.22
Adjusted Tax:	786.20		Adjusted Tax:			Adjusted Tax:	476.90	
82	48005080	0000121279	83	48009030	0000122640	84	48010820	0000123187
Vehicle 1997	MERC	635660	Vehicle 2005	AERO	023788	Vehicle 2000	KIA	UH 458
ID 4M2DV111XVDJ22472			ID 47CTA4K2251161940			ID KNDJA7237Y5884495		
REED ZENITH D			RIOCCI CHERYL A			RICHARDS OUESLAT MARGARET D		
100 OCEAN AVE			17 HOLLY HILL LANE			50 BIRCH ST APT 706		
Cranston RI 02905			Cranston RI 02921			Cranston RI 02920		
Original Value	1,215	Tax	Original Value	3982	Tax	Original Value	1071	Tax
STOLEN/SOLD/JUNK/TOT	30.34	30.34	STOLEN/SOLD/JUNK/TOTA	205.88	79.11	EXEMPTION OMITTED	24.23	24.23
Adjusted Tax:			Adjusted Tax:	126.77		Adjusted Tax:		

City of Cranston
2013 Motor Vehicle
Abatement List

97	50008740	0000143971	98	50012050	0000145802	99	52000640	0000148541	GU 845
	Vehicle 2006	TOYO		Vehicle 2009	TOYT		Vehicle 2008	JEOP	
	ID JTDK820U46320243			ID JTMF33V49D009810			ID 14FA24138L617824		
	TINDALL WOODMAN SARA K			TOYOTA MOTOR CREDIT CORPORATI			VALENTI EDWARD D		
	241 PANTUXET AVE			19001 SOUTH WESTERN AVE			85 BRIGGS ST APT 503		
	CRANSTON RI 02905			TORRANCE CA 90501			CRANSTON RI 02920		

Original	:	Value		Original	:	Value		Original	:	Value		Original	:	Value		Original	:	Value	
STOLEN/SOLD/JUNK/TOT		9,153		STOLEN/SOLD/JUNK/TOTA		10312		EXEMPTION OMITTED		16673		EXEMPTION OMITTED		16673		EXEMPTION OMITTED		16673	
Adjusted Tax:		367.23		Adjusted Tax:		277.68		Adjusted Tax:		559.06		Adjusted Tax:		559.06		Adjusted Tax:		559.06	

100	53009665	0000155796		00000000	0000000000		00000000	0000000000	
	Vehicle 1999	JEOP		Vehicle 0000	ID		Vehicle 0000	ID	
	ID 1J4GMS8S0XC553833								
	WOLFENDEN SCOTT A								
	36 SABRA ST APT 1								
	Cranston RI 02910								

Original	:	Value		Original	:	Value		Original	:	Value		Original	:	Value	
STOLEN/SOLD/JUNK/TOT		465		Adjusted Tax:		13.53		Adjusted Tax:		13.53		Adjusted Tax:		13.53	

For Tax Year: 2013

Original	:	Value		Tax	
Adjusted Tax	:	814933		419658.71	
				25667.78	on 100
				393990.93	Accounts

Jul-13

Waiver of Interest Applications

Page 1

Recommend To Approve:

<u>NAME</u>	<u>ADDRESS</u>	<u>TAX AMT</u>	<u>INTEREST</u>	<u>REASON</u>
Caito, Maureen	78 Leslie St	\$136.53	\$16.38	illness
Guglielmo, David	49 Baneberry Dr	279.70	\$49.21	hardship
Harootunian, Robert	6 Harvard St	470.83	\$221.92	hardship
Mancini, Paul	47 Turner Ave	384.90	\$34.64	illness
Ricci, Domenic	255 Farmington Ave	817.64	\$89.95	death
Shapiro, Todd	1 Jennifer Ct	1,396.69	\$125.70	hardship
Shaw, Bonnie	4 Searle Ave	769.80	\$130.87	death

Recommend to Deny

Trouve, Ann	108 Massachusetts Ave	162.29	\$19.47	no bill
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6-13-01

CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
RATIFYING THE TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN &
HELPERS OF AMERICA LOCAL UNION NO. 251 MUNICIPAL EMPLOYEES
(FY July 1, 2012 – June 30, 2015)

No. 2013-22

Passed:
July 22, 2013

John E. Lanni, Jr., Council President

Approved:
July 23, 2013

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. The City of Cranston has through its corporate officials, bargained collectively with the Teamsters, Chauffeurs, Warehousemen & Helpers of America Local Union 251 Municipal Employees, ("Local 251") which is the certified bargaining representative of municipal workers as set forth in the contract; and Local 251 and the City of Cranston have reached an understanding respecting the terms of a contract resulting from concession bargaining.

Section 2. That agreement in writing between the City of Cranston and Local 251, a copy of which is attached hereto and made a part hereof, is hereby ratified, confirmed and approved by this City Council.

Section 3. That except as modified by the terms of the aforesaid agreement, the City of Cranston shall retain all powers vested in it by law and its Charter over the management, regulation and control of said City municipal workers.

Section 4. This Ordinance shall take effect upon its final adoption.

Positive Endorsement
Christopher M. Rawson, Solicitor

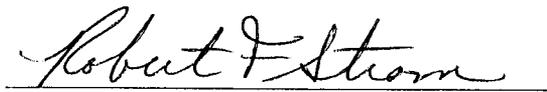
Negative Endorsement (attach reasons)
Christopher M. Rawson, Solicitor

6-13-01

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Fiscal Note

I hereby certify that it is anticipated that sufficient funds will be available to fund this contract, and I have provided a fiscal impact analysis, in accordance with Section 3.04.152 of the Cranston city Code.



Robert F. Strom, Director of Finance

Sponsored by Allan W. Fung, Mayor

Referred to Finance Committee July 11, 2013

Rev 6.12.13

Teamsters Local 251 and the City of Cranston Tentative Agreement

Both Parties agree that the following terms were agreed upon as part of collective bargaining between Teamsters Local 251 and the City of Cranston.

Language to be reflected in a contract for FY 2013 through 2015

Article 6

Sec 1-(a) 4

Hours of Work, Shifts and Break Periods; Union Representatives; Leave for Union Duties

The work week, shifts and break periods of employee shall be as follows:

(a) Civilian Dispatchers.

The regular work week for civilian dispatchers of the CPD shall average thirty seven and one-half (37.5) hours consisting of four (4) days on and two (2) days off.

Shifts shall be as follows:

1st shift 7:45 a.m. to 3:45 p.m.
2nd shift 3:45 p.m. to 11:45 p.m.
3rd shift 11:45 p.m. to 7:45 a.m.

provided, however, that at the Employers discretion, and upon the approval of the Mayor, flexible shifts may be implemented to accommodate the demands of the department, to enhance the efficiency of the department or to maximize the delivery of services to the public.

(2) Civilian dispatchers of the CPD shall be allowed a one-half ($\frac{1}{2}$) hour unpaid meal break at a reasonable juncture during the work shift; provided however, that the Officer in Charge may, at his discretion, deny said meal break if circumstances should require, in which event, the dispatcher shall receive overtime or compensatory time for the extra one-half hour of work, as provided in Article 7 hereof.

(3) Civilian dispatchers of the CPD shall be allowed one (1) fifteen (15) minute paid break during the first half of their shift and one (1) fifteen (15) minute paid break during the second half of their shift. The timing of such breaks shall be determined by the Chief of Police or his designee.

(4) Bidding for shifts for civilian dispatchers of the CPD shall be conducted on a seniority basis. Seniority for these purposes shall be defined as continuous service in the position of dispatcher. SL .

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Article 6

Sec 5 Inclement Weather

When the outdoor temperature, as indicated from the official temperature gauge at Western Hills Middle School, rises above 91 ~~90~~ degrees Fahrenheit or falls below 19 ~~20~~ degrees Fahrenheit, or the wind-chill factor falls below -4 Fahrenheit, such that employees covered under the City's Collective bargaining agreement with LIUNA 1322 are excused from outside work, foremen and general foremen in the Highway Division and Parks and Recreation Department shall also be excused from outside work. The City retains the right to re-assign employees to alternate work if such weather conditions referenced above exist.

Article 7

Sec 1.1 Overtime rate of Pay

~~Section 1.1 Overtime Rate of Pay Notwithstanding the provisions of Section 1, no employee covered by this agreement will receive monetary compensation for overtime hours worked. In lieu of monetary compensation, each employee shall be credited with compensatory time only. This change shall not apply to the positions of Police Dispatcher, General foreman, Foreman, Animal Control Officers, or Kennel Custodian. Additionally, this provision shall not apply to any employee on temporary assignment for snow-removal dispatch. This provision will expire on June 30, 2011.~~

Article 7

Sec 3 Call back; Call Back Minimum

The Employer shall determine when an employee shall be called back. In making such determination, the Employer shall consider seniority and qualifications, as well as the needs of the department and shall make reasonable efforts to distribute call back opportunities equitably. If an employee has concluded his regularly scheduled shift, left the workplace and is called back, he shall receive a minimum of three (3) hours' compensation at the overtime rate of pay set forth in Section 1. All Employees that are called back between December 1 through March 31, shall be compensated for at least four (4) hours of overtime pay.

The following procedures will apply to vacancies in Police Dispatch. There are two (2) forms of vacancies: scheduled call back and emergency call back; ~~Scheduled call back is used when a vacancy is created by scheduled time off such as vacation, compensatory day, employee on long term illness, training, jury duty etc. Emergency call back is used when a vacancy is created by short term notification (less than 24 hours), such as sickness, family emergencies etc. To fill these vacancies an overtime list has been established. Any dispatcher may sign up on the overtime list for possible vacancies on specific days and shifts in the upcoming month. Preference is to be given to permanent full-time dispatchers to fill any and all vacancies. If a permanent full-time dispatcher has not signed up for the specific day and shift, the Chief of Police or his designee may call a reserve dispatcher to fill the vacancies. In no event shall a dispatcher be called back to work two (2) consecutive days without a mutual agreement.~~

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- A. Scheduled call back is used when a vacancy is created by scheduled time off such as vacation, compensatory day, employee on long term illness, training, jury duty etc. To fill these vacancies an overtime list has been established. Any dispatcher may sign up on the overtime list for possible vacancies on specific days and shifts in the upcoming month. Preference is to be given to permanent full-time dispatchers to fill any and all vacancies. If a permanent full-time dispatcher has not signed up for the specific day and shift, the Chief of Police or his designee may call a reserve dispatcher to fill the vacancies. In no event shall a dispatcher be called back to work two (2) consecutive days without a mutual agreement.
- B. Emergency call back is used when a vacancy is created by short term notification (less than 24 hours), such as sickness, family emergencies etc. To the extent possible, the OIC may approve and facilitate filling that eight (8) hour block in four (4) hour increments. Only in cases when this measure is not possible or unsuccessful, because there is no dispatcher or CPD officer(s) available to serve, the Dispatcher currently on duty shall fulfill the eight (8) hour assignment.

Article 8

Sec 1-a Salaries & Wages

(a) Each employee covered by this agreement shall be paid the salary or wage designated for his position in accordance with the City's pay plans in the salary or wage range applicable to each position for the fiscal years July 1, ~~2012-09~~ to June 30, ~~2015-2012~~, with any step increase within the range for which said employee is eligible. Payday shall be every other Friday. In the event that a regular pay.day shall fall on a holiday, then payment shall be made on the working day preceding the holiday. The City's pay plans for the fiscal years referenced above are incorporated by reference herein and made a part hereof. The increases to the pay. plans during the term of this agreement shall be as follows:

Fiscal Year Increase

~~July 1, 2009 — June 30, 2010 — 0%~~
~~July 1, 2010 — June 30, 2011 — 0%~~
~~July 1, 2011 — June 30, 2012 — 2.5%~~

July 1, 2012 — June 30, 2013 — 1.5%

July 1, 2013 — June 30, 2014 — 2.5%

July 1, 2014 — June 30, 2015 — 2.5%

Article 9 Description of Health Care and Dental Coverages; Co-Payment

Sec 1-A

A) The City agrees to offer a Preferred Provider Organization (PPO) plan for each member of the Union and his family or domestic partner. Each employee shall pay a percentage of the monthly working rate for the City for the plan chosen, deducted bi-weekly from the employee's paycheck. The co-share percentage will be maintained at 20% of the 2012 working rate for the current term of this contract. The PPO plan will include the following: \$15 ~~10~~ co-pays for office visits, and specialists, \$35 ~~25.00~~ for urgent care visits, and \$100.00 co-pay for emergency room visits for each occurrence. However, the \$100 emergency room co-pay shall be waived if the member or his family or domestic partner is admitted to the hospital following the visit. Additionally, if there is no urgent care center open, the member may seek a waiver of the \$100 emergency room co-pay from the City, less the \$35 ~~25.00~~ urgent care co-pay.

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Sec 1-B

The prescription drug plan will entail a ~~\$7.5/\$15.00/\$30.25~~ co-pay (~~\$7.5~~ for generic, ~~\$15.00~~ for preferred brand names, and ~~\$30.25~~ for non-preferred drugs). Mail order prescriptions for a 90-day supply will be subject to two-and-a-half times (2.5x) the retail co-pay for a normal 30-day supply

Sec 2

If an existing employee elects not to receive the family health and dental coverages described in Section 1 of this article, the Employer shall pay him or her a sum of ~~\$5,500.00~~ for a Family Plan. If the existing employee elects not to receive the family plan but elects to keep the dental plan, the employer shall pay him or her a sum of \$5,100.00 and ~~\$3600 for an Individual Plan. money which equates to fifty percent (50%) of the Employer's annual cost for FY 2006 (FY 7/1/05 to 6/30/06) less \$500.00, and will be fixed at that dollar figure for the term of this agreement~~ For all new hires as of 1/1/2014 who elect not to receive the health and dental coverages described in section 1 of this article will receive \$1,000.00.

This payment shall be made to the electing employee in two equal lump sum installment, one during the first pay period in January of each year and the other during the first pay period in July of each year. An employee shall make his election allowed under this section in writing, addressed to the Personnel Director and deliver it to the Personnel Director's office. If an employee terminates his employment with the City, he agrees to pay to the City within forty-five (45) days of termination the pro-rata share of compensation in lieu of coverage.

Article 11**Sec 2****Maintenance of Benefits for Teamster Pension**

The City agrees to contribute for each hour worked, up to forty (40) hours per week, the following amounts to the New England Teamsters and Trucking Industry Pension Fund, in accordance with the plan adopted by its trustees.

Dates Hourly Contribution

July 1, 2009 - June 30, 2010	\$.73
July 1, 2010 - June 30, 2011	\$.80
July 1, 2011 - June 30, 2012	\$.88
July 1, 2012 - June 30, 2013	\$.97 (10% MOB)
July 1, 2013 - June 30, 2014	\$1.07 (10% MOB)
July 1, 2014 - June 30, 2015	\$1.18 (10% MOB)

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Article 13**Sec 1****Out of Classification Compensation**

If an employee has been assigned, directed and authorized by the Mayor, director of his department or their designee, to serve temporarily in a higher rated classification for two (2) or more hours during any bi-weekly pay period ~~More than four (4) consecutive working days~~, then the employee shall be compensated at the rate of the higher classification for all time served in that classification retroactive to the first hour day. Work performed out of classification shall be at the same step level the employee has attained in his classification. In no event, however, shall the employee working in the higher classification be paid more than the employee being replaced, unless the employee working in the higher classification regularly earns more than the employee being replaced, in which case he will be paid at the step next above his regular classification. No employee shall be compelled to accept such assignment for a period in excess of four (4) months unless agreed upon by the parties and the individual employee. During said period, the employee shall be subject to the terms and conditions of this agreement. Should a temporary assignment be for two (2) four or less consecutive working hours days, then an employee shall not be entitled to a higher rate of compensation and there shall be no salary adjustment.

Article 14**Sec 4****Sick Leave Accrual, Accumulation and Extension**

An employee may accumulate-and-carryover unused sick leave from year to year, but in no event shall the accumulation exceed one hundred fifty (150) days. Sick time shall be granted on January 1st of each year for the upcoming year of employment. Employees in their first year of employment will receive a pro-rated version based on the number of months remaining in the year. Additionally, upon the termination of employment for any reason including but not limited to retirement, termination for cause, or lay-off's, the employee will have a pro-rated amount of days deducted from their total days for purposes of severance calculation as determined by the month of departure assuming the first of the month as the date of accrual. During the month of January in each year, the Employer shall cause to be published and dispatched to the employees covered by this Agreement their present entitlement under this clause. Employees with five ten (5 10) years of service or more may shall be granted up to an additional ninety (90) days sick leave for catastrophic illness or injury so if the sickness is of such a nature as to require a prolonged period of treatment and recuperation (shall apply to one illness or injury). The city shall have the right to review and take into consideration an employees past attendance before granting any extension.

Article 14**Sec 6****Partial Use of Sick Leave**

If any employee shall be sick or ill, or has a doctors appointment for less than a full work day, his sick leave

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shall so be charged only to the extent of the time he was absent, to the nearest half hour. If the sick time is utilized for a doctor's appointment, a note confirming the visit from the doctor's office shall be submitted to his supervisor upon returning to work.

Article 15

Sec 4

Accumulation Cap and Carry Over

An employee may accumulate a maximum of ~~seventy sixty-five (70 65)~~ days and may not carry over vacation time in excess of ~~seventy sixty-five (70 65)~~ days from one calendar year to the next. Vacation allotment in excess of the accumulation limits stated above which is not used by the end of a calendar year may be lost and an employee may not receive pay in lieu of vacation. Vacation allotment in excess of the accumulation limits stated above which is not used by the end of a calendar year will be lost and an employee shall not receive pay in lieu of vacation. An employee will be paid his accumulated vacation allotment, up to ~~sixty-five days the maximum cap~~ at the time of termination of employment. It is further agreed that an employee with more than ten (10) years of service as of December 31st of the previous year may elect to be paid up to five (5) days vacation leave for leave accrued in excess of eighteen (18) days; such payment shall be made in July. Compensation due will be made at the straight-time rate.

Article 21

Sec 5

Bumping

An employee who receives a notice of layoff may elect to bump an employee with less seniority in the same. or lower grade in a seniority pool if:

- (1) The bumping ~~employee~~ has more seniority than the employee he will bump; and
- (2) He or she is deemed qualified to perform the functions of the employee, to be bumped, after successfully completing a ~~forty (40) twenty-(20)~~ working day probationary period for training and break-in. The City shall have sole discretion to assess the bumping employee's fitness and qualifications to continue to serve in the position to which he bumped, and if such assessment results in the discharge of said bumping employee, it shall not be subject to the grievance or arbitration procedures set forth in Article 28 and is therefore substantively non-arbitrable; provided however, that said discharged bumping employee shall be placed on a recall list. If a bumping employee is discharged during the probationary period, then the employee he or she had displaced through bumping shall be reinstated forthwith.

Notwithstanding any contrary provision in this section, a non-classified employee may not bump any classified employee and a classified employee may not bump a non-classified employee. Further, no employee, regardless of status (i.e., classified or non-classified)-may bump a division head. A division head may bump into a lower-rated classification in accordance with this process. A division head may not bump another division head.

An employee separated from employment as a result of the bumping process described in this section may bump an employee in the same classification or seniority pool with the least seniority, subject to the qualification and probationary period requirement set forth above in subparagraph 2 of this Section. An employee discharged during said probationary period shall have the right to bump one additional time.

An employee bumping into a lower rated classification shall be placed in the salary step which his total year of

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service requires.

The Department Director or Division Head will provide for a job description at the onset of the probationary 40 20 day period and will, for the first five working days provide training.

Article 22

Sec 2 Sick Leave, Vacation Leave and Seniority

Newly hired probationary employees shall not accrue sick leave, vacation leave or seniority until the successful completion of the probationary period, at which point such entitlements shall accrue retroactive to the first date of employment.

A. Vacation Accrual

When a new employee begins their probationary period prior to May 31st and successfully completes his/her probationary 6 month period they would be entitled to 5 vacation days. From the end of the probationary period going forward to the end of the calendar year they would earn an additional .83/days per month until December 31st. On the following January 1st the employee would receive his/her 10 vacation day allocation for the new calendar year. All members of the bargaining unit will receive their vacation accruals at the same time at the beginning of each calendar year.

An employee who begins his probationary period after June 1st would not receive vacation days until the end of probation and would then receive 5 vacation days and earn .83/days per month until the end of the calendar year that the probation ended. This employee would receive his 10 day allocation for the following new calendar year at the same time as all other employees

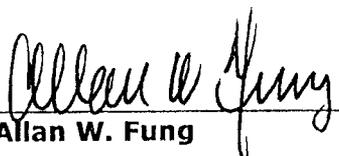
Article 26

Sec 1 Items Provided by City

A. The City shall furnish Police Dispatchers With six (6) shirts, three (3) pair of pants, and one (1) belt on a yearly basis. The City shall furnish Animal Shelter Personnel with two (2) pair of pants, two (2) Short sleeve-shirts and two (2) long-sleeve shirts and one (1) pair of boots.

B. The City shall furnish Highway Foreman with a uniform allowance of \$550.00 annually

C. The City shall furnish Building Inspectors with one set of Rain Gear (Coat, Pants, Boots). Replacement of lost or damaged items will be the responsibility of the Inspectors.


Allan W. Fung

6/17/13
Date


Stephen M. LaBrie

6/17/13
Date

City of Cranston
Teamster Contract Costs
FY13-15

FISCAL NOTE

	FY13	FY14	FY15	Total
Salary	1.50%	2.50%	2.50%	
Uniform allowance:	87,419.63	148,401.53	152,111.57	387,932.73
Highway (5 Employees at \$550 = \$2,750)/year	2,750.00	2,750.00	2,750.00	8,250.00
Inspections (7 Employees at \$100 = \$700) one-time		700.00		700.00
Related Payroll Taxes	6,897.98	11,616.64	11,846.91	30,361.53
Related Pension-at known rates	8,951.77	15,819.60	16,215.09	40,986.47
Health Care Rate- Frozen FY14 - FY15	0.00	7,016.15	7,016.15	14,032.31
Design Plan Change	0.00	(24,000.00)	(24,000.00)	(48,000.00)
Current	Description	New		
10.00	Office Visit	\$15.00		
25.00	Urgent Care	\$35.00		
100.00	Emergency Room	\$100.00		
25	Prescriptions	\$7/15/30		
Buyback reduction from \$6,363.10 to \$5,500 family	0.00	(22,056.85)	(22,056.85)	(44,113.70)
Individual buyback \$3,600				
New Employees as of 1/1/14 \$1,000)				
Currently .88/Hr	.97/Hr	1.07/Hr	1.18/Hr	
Pension	21,060.00	23,400.00	25,740.00	70,200.00
Total	<u>127,079.37</u>	<u>163,647.08</u>	<u>169,622.88</u>	<u>460,349.34</u>
TOTAL FOR 3 YEAR CONTRACT	<u>460,349.34</u>			

6-13-06

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THE CITY OF CRANSTON

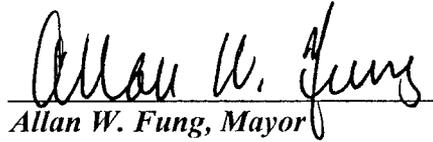
ORDINANCE OF THE CITY COUNCIL
TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR
THE FISCAL YEAR COMMENCING JULY 1, 2012 AND ENDING JUNE 30,
2013 - (4th Quarter Transfers)

No. 2013-23

Passed:
July 22, 2013


John E. Lanni, Council President

Approved:
July 23, 2013


Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1: The following sections of the budget for the fiscal year ending June 30, 2012 are hereby amended to read as follows:

CITY COUNCIL		
[Orders of the Council-Pers. Serv.]		[\$ 110,392]
<u>Orders of the Council-Pers. Serv.</u>		<u>\$ 0</u>
[Council's Auditor]		[\$ 35,000]
<u>Council's Auditor</u>		<u>\$ 10,392</u>
PERSONNEL		
[Salary Schedule]		[\$ 0]
<u>Salary Schedule</u>		<u>\$ 95,000</u>
CITY CLERK		
[RI Real Estate Tax]		[\$360,000]
<u>RI Real Estate Tax</u>		<u>\$400,000</u>
BOARD OF CANVASSERS		
[Elections]		[\$150,220]
<u>Elections</u>		<u>\$ 75,220</u>
DEPARTMENT OF LAW		
[Outside Legal Services]		[\$300,000]
<u>Departmental Expense</u>		<u>\$375,000</u>
FIRE DEPARTMENT		
[Overtime]		[\$3,300,000]

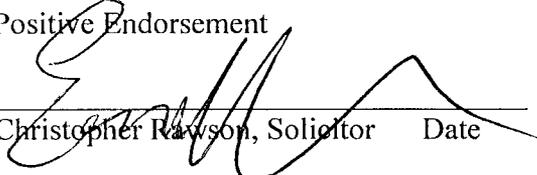
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45	Overtime	\$4,700,000
46	POLICE DEPARTMENT	
47	[Salary Schedule]	[\$9,573,045]
48	Salary Schedule	\$9,073,045
49	RESCUE FUND	
50	[Public Fund for Rescue]	[\$2,000,000]
51	Public Fund for Rescue	\$1,100,000
52		
53	MUNICIPAL INDEBTEDNESS	
54	[Principal Payments-Serial Bonds]	[\$6,545,000]
55	Principal Payments-Serial Bonds	\$5,585,000
56	DEPARTMENT OF PUBLIC WORKS	
57	[Lighting Streets]	[\$1,200,000]
58	Lighting Streets	\$1,260,000
59	DIVISION OF HIGHWAY MAINTENANCE	
60	[Snow Removal Vendors]	[\$ 152,232]
61	Snow Removal Vendors	\$ 552,232
62	DIVISION OF ASSESSMENT	
63	[State Revaluation]	[\$ 0]
64	State Revaluation	\$ 500,000
65		
66	DIVISION OF BUILDING MAINTENANCE	
67	[Salary]	[\$952,391]
68	Salary Schedule	\$902,391
69	DEPARTMENT OF PARKS AND RECREATION	
70	[Federal Old Age Benefits]	[\$ 61,067]
71	Federal Old Age Benefits	\$111,067
72		
73	SCHOOL DEPARTMENT-REVENUE	
74	State of RI-School Aid	[\$37,298,456]
75	State of RI-School Aid	\$39,389,870
76		
77	SCHOOL DEPARTMENT-EXPENDITURES	
78	School Maintenance	[\$131,965,699]
79	School Maintenance	\$134,057,113
80		
81	CDBG-REVENUES	
82	Federal Grants	[\$ 935,648]
83	Federal Grants	\$1,485,648
84	Program Income	[\$ 160,000]
85	Program Income	\$ 410,000
86	CDBG-EXPENDITURES	
87	Program Project	[\$854,790]
88	Program Project	\$1,654,790

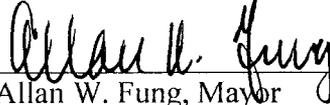
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SECTION 2: This ordinance shall take effect upon its final adoption.

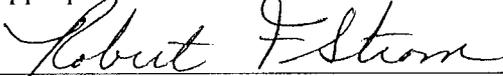
Positive Endorsement	Negative Endorsement (attach reasons)
	
_____ Christopher Rawson, Solicitor Date	_____ Christopher Rawson, Solicitor Date

I recommend adoption of the foregoing Ordinance
Pursuant to Section 6.17 of the City Charter

	<u>7/22/13</u>
_____ Allan W. Fung, Mayor	_____ Date

Fiscal Note

I hereby certify that it is anticipated that sufficient funds will be available to fund this appropriation.


_____ Robert F. Strom, Director of Finance

Referred to Finance Committee July 11, 2013 @ 6:30 pm

Sponsored by Mayor Fung

-JULY 22, 2013-

PUBLIC WORKS COMMITTEE
(Councilman Mario Aceto, Chair)

8S-12-1 ORDINANCE IN AMENDMENT OF TITLE 13.08 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘PUBLIC SERVICES’ (Sewer Service System) AND TITLE 13.12 ENTITLED ‘WASTEWATER DISPOSAL SERVICES’

On motion by Councilman Botts, seconded by Councilman Favicchio, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

4-13-4 ORDINANCE IN AMENDMENT OF TITLE 8, CH. 36 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘RODENT CONTROL’ (Bird Feeder Fines Nuisance).

On motion by Council Vice-President Farina, seconded by Councilman Archetto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

SAFETY SERVICES & LICENSES COMMITTEE
(Councilman Richard D. Santamaria, Jr., Chair)

TEXAS ROADHOUSE – PARADE AND ENTERTAINMENT LICENSE, 99 Garfield Ave. 99 Garfield Ave. - HOMES FOR OUR TROOPS FUNDRAISER 8/4/2013

Rich Montecalvo of Texas Roadhouse, appeared to speak and explained what the event is for.

On motion by Councilman Favicchio, seconded by Councilman Aceto, it was voted to approve the above-listed license applications. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

RESOLUTION URGING THE GENERAL ASSEMBLY TO INTRODUCE AND PASS LEGISLATION AUTHORIZING THE CITY OF CRANSTON TO BE EXEMPTED FROM THE PROVISION OF RIGL 3-7-19 (2170 Broad Street).

On motion by Councilman Aceto, seconded by Councilwoman Lee, the above Resolution was adopted on a vote of 7-1. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -7. The following being recorded as voting “nay”: Councilman Archetto -1.

CLASS B ALCOHOLIC BEVERAGE/VICTUALLING LICENSE:

TORG LLC d/b/a THE ELEPHANT ROOM *New BV79*
2170 Broad Street

forwarded without recommendation – subject to General Assembly approval

On motion by Councilman Santamaria, seconded by Councilman Archetto, it was voted to recommit the above-listed license application back to Safety Services and Licenses Committee. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

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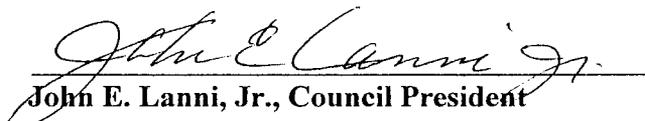
THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 13 OF THE CODE OF THE CITY OF CRANSTON,
2005, ENTITLED "PUBLIC SERVICES"
(Sewer Service System and Private Wastewater Disposal)

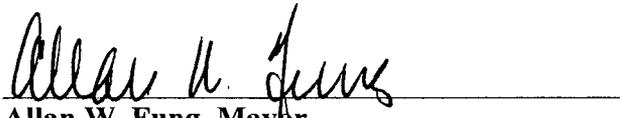
No. 2013-24

*As amended in Public Works Committee July 1, 2013

Passed:
July 22, 2013


John E. Lanni, Jr., Council President

Approved:
July 23, 2013


Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Title 13, Chapter 8 entitled Sewer Service System is hereby amended by deleting the existing chapter in its entirety and substituting the attached.

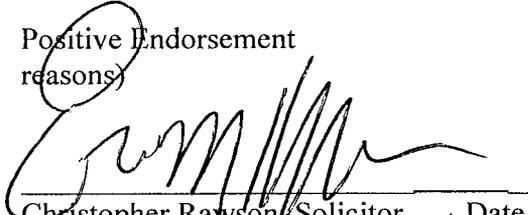
Section 2. Title 13, Chapter 12 entitled "Wastewater Disposal Services is hereby amended by deleting the existing chapter in its entirety and substituting the attached.

And by adding thereto the following:

Section 3. This Ordinance shall take effect upon its final adoption.

Positive Endorsement
(reasons)

Negative Endorsement (attach


Christopher Rawson, Solicitor

Christopher Rawson, Solicitor

Date
7/22/13

Sponsored by Mayor Fung

Referred to City Council August 27, 2012

8S-12-1

47	
48	Chapter 13.08 SEWER SERVICE SYSTEM
49	Article I
50	General
51	Sections:
52	<u>13.08.010 Acceptance of special law.</u>
53	<u>13.08.020 Reference to state codes.</u>
54	<u>13.08.030 Construction and maintenance and special time provision.*</u>
55	<u>13.08.040 Definitions.</u>
56	Article II
57	Regulations Requiring the Use of Public Sewers Where Available
58	Sections:
59	<u>13.08.050 Unsanitary discharges.</u>
60	<u>13.08.060 Discharge to natural outlets.</u>
61	<u>13.08.070 Privy, privy vault, septic tank, etc.</u>
62	<u>13.08.080 Houses, buildings, properties.</u>
63	<u>13.08.090 Car wash, public laundry, etc.</u>
64	Article III
65	Regulations and Procedures Regarding Building
66	Sewers--Laterals and Connections
67	Sections:
68	<u>13.08.100 Sewer system connection permits.</u>
69	<u>13.08.110 Service connection standards.</u>
70	<u>13.08.120 Service connection cleaning.</u>
71	<u>13.08.130 Separate and independent building sewers/laterals.</u>
72	<u>13.08.140 Use of sewer service connections.</u>
73	<u>13.08.150 Costs.</u>
74	<u>13.08.160 Extension of sewer system.</u>
75	<u>13.08.170 Sanitary sewer standards.</u>
76	<u>13.08.180 Approval of sewage pumps.</u>
77	<u>13.08.190 Backwater valves.</u>
78	<u>13.08.200 Notification for inspection.</u>
79	<u>13.08.210 Procedure upon discontinuance of use.</u>
80	<u>13.08.220 Rules and regulations covering sewer service under unusual conditions.</u>
81	Article IV
82	Regulations Relating to the Rate of Discharge and
83	Character of Waters and Wastes Admissible to Public Sewers
84	Sections:
85	<u>13.08.230 Inadmissible waters.</u>
86	<u>13.08.240 Unpolluted water.</u>
87	<u>13.08.250 Garbage grinder wastes.</u>
88	<u>13.08.260 Restrictions on kinds of wastes.</u>
89	<u>13.08.270 Requirements to discharge.</u>
90	<u>13.08.280 Pretreatment or equalization.</u>
91	<u>13.08.290 Maintenance and operation of facilities.</u>
92	<u>13.08.300 Grease, oil and sand interceptors.</u>

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- 93 13.08.310 Maintenance and operation of interceptors.
 94 13.08.320 New discharges--Changes in existing discharges.
 95 13.08.330 Special agreements or arrangements.
 96 13.08.340 Wastewater discharge limits.
 97 Article V
 98 Protection from Damage
 99 **Sections:**
 100 13.08.350 Unauthorized construction.
 101 13.08.360 Damage to wastewater facilities.
 102 Article VI
 103 Regulations Relating to Monitoring, Sampling and Analyses
 104 **Sections:**
 105 13.08.370 Metered water supply.
 106 13.08.380 Metered wastewater volume and metered diversions.
 107 13.08.390 Monitoring facility requirements.
 108 13.08.400 Inspection of user facilities.
 109 13.08.410 Measurements, tests and analyses.
 110 Article VII
 111 Powers and Authority of Inspectors
 112 **Sections:**
 113 13.08.420 Right to enter user facilities.
 114 13.08.430 Right to enter onto easements.
 115 13.08.440 Personal injury and/or property damage.
 116 Article VIII
 117 Enforcement
 118 **Sections:**
 119 13.08.450 Accidental discharge.
 120 13.08.460 Consent orders.
 121 13.08.470 Compliance orders.
 122 13.08.480 Cease and desist orders.
 123 13.08.490 Show cause hearings.
 124 13.08.500 Request for reconsideration of actions.
 125 13.08.510 Appeal.
 126 13.08.520 Public notification.
 127 Article IX
 128 Penalties
 129 **Sections:**
 130 13.08.530 Violations.
 131 13.08.540 Administrative fines.
 132 13.08.550 Injunctive relief.
 133 13.08.560 Civil penalties.
 134 13.08.570 Criminal prosecution.
 135 13.08.580 Liability.
 136 13.08.590 Costs of repairing damage.
 137 13.08.600 Falsification of records and instruments.
 138 13.08.610 Emergency suspensions.

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139	<u>13.08.620 Termination of service.</u>
140	<u>13.08.630 Notification of termination of service.</u>
141	<u>13.08.640 Remedies nonexclusive.</u>
142	Article X
143	Sewer Use Charges
144	Sections:
145	<u>13.08.650 Participation.</u>
146	<u>13.08.660 Classification of users.</u>
147	<u>13.08.670 Payments.</u>
148	Article XI
149	Validity
150	Sections:
151	<u>13.08.680 Conflict.</u>
152	<u>13.08.690 Severabililty.</u>
153	Article XII
154	Disposal of Hauled Wastes
155	Sections:
156	<u>13.08.700 Policy.</u>
157	<u>13.08.710 Biosolids acceptance.</u>
158	<u>13.08.720 Discharge requirements and fees.</u>
159	<u>13.08.730 Hauled waste tank truck requirements.</u>
160	<u>13.08.740 Additional requirements.</u>
161	Article XIII
162	Appendix--Forms
163	Sections:
164	<u>13.08.750 Application for Residential/Commercial Connection with Sewerage System.</u>
165	<u>13.08.760 Reserved.</u>
166	<u>13.08.770 Reserved.</u>
167	<u>13.08.780 Reserved.</u>
168	<u>13.08.790 Reserved.</u>
169	Article XIV
170	Sewer Tie-In Loan Fund Regulations
171	<u>13.08.800 Participation.</u>
172	<u>13.08.810 Administration.</u>
173	
174	Article I
175	General
176	
177	13.08.010 Acceptance of special law.
178	The provisions of Chapter 750 of the Public Laws of 1 939 as amended, are accepted and
179	amended by the city council.
180	(Prior code § 26-1)
181	
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- 185
 186 13.08.020 Reference to state codes.
 187 This chapter has taken into consideration the State Building Code, Article 17; and the
 188 1975 BOCA Plumbing Code, Article 15. Said codes are herein modified.
 189 (Prior code § 26-2)
 190
 191 13.08.030 Construction and maintenance and special time provision.*
 192 Sewer service connections which are owned by the city shall be built, repaired and
 193 maintained only by the city under the direction of the director of public works and that
 194 portion of a sewer service connection which is not owned by the city shall be built,
 195 repaired and maintained by the owner of the connected building in accordance with the
 196 provisions of Chapter 22 relative to plumbing.
 197 (Prior code § 26-3)
 198 * Editor's Note: Chapter 22 of the prior code was not codified during the 2004
 199 codification, per city directive.
 200
 201 13.08.040 Definitions.
 202 "ACGIH" means American Conference of Governmental Industrial Hygienists.
 203 "Act" means the Federal Water Pollution Control Act, also known as the Clean Water
 204 Act as amended, 33 U.S.C. 125 1 et seq., 86 Stat. 816, Pub. L. 92-500, and any
 205 amendments thereto; as well as any guidelines, limitations and standards promulgated by
 206 the Environmental Protection Agency pursuant to the Act.
 207 "Approval authority" means the Rhode Island Department of Environmental
 208 Management.
 209 "ASTM" means the American Society for Testing and Materials.
 210 "Authorized representative of the user" means:
 211 1. If the user is a corporation:
 212 a. A president, secretary, treasurer, or vice-president of the corporation in charge of a
 213 principal business function, or any other person who performs similar policy- or decision-
 214 making functions for the corporation, or
 215 b. The manager of one or more manufacturing, production, or operating facilities,
 216 provided, the manager is authorized to make management decisions which govern the
 217 operation of the regulated facility including having the explicit or implicit duty of making
 218 major capital investment recommendations, and initiate and direct other comprehensive
 219 measures to assure long-term environmental compliance with environmental laws and
 220 regulations; can ensure that the necessary systems are established or actions taken to
 221 gather complete and accurate information for control mechanism requirements; and
 222 where authority to sign documents has been assigned or delegated to the manager in
 223 accordance with corporate procedures.
 224 2. If the user is a partnership or sole proprietorship: a general partner or proprietor,
 225 respectively.
 226 3. If the user is a federal, state or local governmental facility: a director or highest
 227 official appointed or designated to oversee the operation and performance of the activities
 228 of the government facility.
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231 4. A duly authorized representative of the individual designated in subsection 1, 2, or 3
 232 of this definition if: (i) The authorization is made in writing by the individual described in
 233 subsections 1, 2, or 3 of this definition; (ii) The authorization specifies either an
 234 individual or a position having responsibility for the overall operation of the facility, such
 235 as the position of plant manager, operator of a well, or well field superintendent, or a
 236 position of equivalent responsibility, or having overall responsibility for environmental
 237 matters for the company; and (iii) the written authorization is submitted to the director.
 238 "Best management practices" or "BMPs" means schedules of activities, prohibitions of
 239 practices, maintenance procedures, and other management practices to implement the
 240 prohibitions listed in Title 40 Code of Federal Regulations Parts 403.5(a)(1) and (b).
 241 BMPs also include treatment requirements, operating procedures, and practices to control
 242 plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw
 243 materials storage.
 244 "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in
 245 the biochemical oxidation of organic matter under standard laboratory procedure in five
 246 days at twenty (20) degrees Celsius expressed in milligrams per liter.
 247 "Building drain" means that part of the lowest horizontal piping of a drainage system
 248 which receives the discharge from wastewater pipes inside the walls of the building and
 249 conveys it to the building lateral, beginning five feet (1.5 meters) outside the inner face of
 250 the building wall.
 251 "Building inspector" means the building inspector of the city, or his or her authorized
 252 deputy, agent or representative.
 253 "Building lateral" means the extension from the building drain to the street lateral at the
 254 property line or other place of disposal.
 255 *"CBOD₅" (denoting carbonaceous biochemical oxygen demand) means the quantity of
 256 oxygen utilized in the biochemical oxidation of organic matter in which the contribution
 257 from nitrogenous bacteria has been suppressed. The analysis is performed under standard
 258 laboratory procedure in five days at twenty (20) degrees Celsius expressed in milligrams
 259 per liter.
 260 "Categorical pretreatment standard or categorical standard" means any regulation
 261 containing pollutant discharge limits promulgated by EPA in accordance with Sections
 262 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of
 263 users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405--471.
 264 "Chemical oxygen demand" (COD) means a measure of the oxygen consuming capacity
 265 of inorganic and organic matter present in water or wastewater. It is expressed as the
 266 amount of oxygen consumed from a chemical oxidant in a specific test.
 267 "Chlorine demand" means the difference between the amount of chlorine added to water
 268 or wastewater and the amount of residual chlorine remaining at the end of a specified
 269 contact period.
 270 "City" means the city of Cranston.
 271 "City council" means the city council of the city of Cranston.
 272 "Combined sewer" means a sewer receiving both surface runoff and sewage.
 273 "Conventional pollutants" means constituents of wastewater as determined by Section
 274 304(a)(4) of the Federal Clean Water Act and the regulations there under 40 CFR 401.16,
 275 including pollutants classified as biochemical oxygen demand, suspended solids, oil and
 276 grease, fecal coliform, and pH.

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- 277 "Developer" means a person who develops a plat of land under an approved final
 278 subdivision plat or building permit.
- 279 "Director" means the director of public works of the city, or his or her authorized deputy,
 280 agent or representative.
- 281 "Dwelling unit" means one or more rooms designed or intended for living purposes and
 282 containing sanitary facilities.
- 283 "Environmental Protection Agency or EPA" means the United States Environmental
 284 Protection Agency or, where appropriate, the Regional Water Management Division
 285 Director, or other duly authorized official of said agency.
- 286 "Existing source" means any source of discharge, the construction or operation of which
 287 commenced prior to the publication by EPA of proposed categorical pretreatment
 288 standards, which will be applicable to such source if the standard is thereafter
 289 promulgated in accordance with Section 307 of the Act.
- 290 "Garbage" means solid wastes from the domestic and commercial preparation, cooking
 291 and dispensing of food, and from the handling, storage and sale of produce.
- 292 "Grab sample" means a sample which is taken from a waste stream without regard to the
 293 flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- 294 "Hauled waste" means biosolids, grease, remediated groundwater, landfill leachate,
 295 commercial wastes and industrial wastes which are readily treatable by the facility's
 296 treatment process in conformance with all rules and regulations established by the city,
 297 the Rhode Island Department of Environmental Management and United States
 298 Environmental Protection Agency. Septage is not a hauled waste.
- 299 "Industrial user" means any manufacturing/non-manufacturing user of publicly owned
 300 treatment works identified in the Standard Industrial Classification Manual, 1987, Office
 301 of Management and Budget, as amended and supplemented, under the following
 302 divisions:
 303 TABLE INSET:
 304

1. Division A	Agriculture, Forestry and Fishing
2. Division B	Mining
3. Division C	Construction
4. Division D	Manufacturing
5. Division E	Transportation, Communications, Electric, Gas and Sanitary Services
6. Division F	Wholesale Trade
7. Division G	Retail Trade
8. Division H	Finance, Insurance and Real Estate
9. Division I	Services

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309 A user in the divisions listed may be excluded if it is determined that it will introduce
 310 primarily segregated domestic wastes or wastes from sanitary conveniences.

311 A user in the divisions listed above may be classified as a non-industry if it is determined
 312 by the director that such user does not conduct any manufacturing operations and will
 313 introduce strictly domestic wastes to the publicly owned treatment works.

314 "Industrial wastes" means the wastes from industrial manufacturing processes, trade or
 315 business as distinct from domestic wastes.

316 "Infectious waste" means any waste which contains pathogens with sufficient virulence
 317 and quantity so that exposure to the waste by a susceptible host could result in disease.
 318 Under this definition, the normal microflora of the body are not classified as infectious.

319 "Interference" means a discharge, which alone or in conjunction with a discharge or
 320 discharges from other sources, inhibits or disrupts the POTW, its treatment process or
 321 operations or its sludge processes, use or disposal; and therefore, is cause of a violation of
 322 city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance
 323 with any of the following statutory/regulatory provisions or permits issued thereunder, or
 324 any more stringent state or local regulations: Section 405 of the Act; the Solid Waste
 325 Disposal Act, including Title II commonly referred to as the Resource Conservation and
 326 Recovery Act (RCRA); any state regulations contained in any state sludge management
 327 plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Toxic
 328 Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

329 "May" is permissive.

330 "Medical waste" means isolation wastes, infectious agents, human blood and blood
 331 products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes,
 332 potentially contaminated laboratory wastes and dialysis wastes.

333 "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of
 334 surface or groundwater.

335 "New source" means any building, structure, facility or installation from which there is or
 336 may be a discharge of pollutants, construction of which began after the publication of the
 337 proposed sewer use ordinance regulations and Pretreatment Standards pursuant to Section
 338 307(c) of the Clean Water Act, which will apply to such source if such standards are
 339 promulgated provided certain location and construction criteria pursuant to Title 40 Code
 340 of Federal Regulations Part 403.3(k)(1) are met.

341 "Non-conforming material" means any hauled waste or septage delivered by a hauler
 342 which does not meet the standards set forth in this chapter or does not comply with all
 343 applicable standards found in federal, state or municipal statutes and regulations, and
 344 orders or permits of the United States Environmental Protection Agency or Rhode Island
 345 Department of Environmental Management. This includes any hazardous waste.

346 "Non-contact cooling water" means water used for cooling which does not come into
 347 direct contact with any raw material, intermediate product, waste product or finished
 348 product.

349 "Non-conventional pollutants" means those pollutants that are neither listed as priority
 350 nor conventional pollutants.

351 "NPDES permit" is the current National Pollutant Discharge Elimination System permit
 352 issued to the Cranston wastewater treatment plant pursuant to Section 402 of the Federal
 353 Clean Water Act. The term includes any associated program which has been approved by
 354 the federal, state or local administrators.

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- 355 "Ordinance" is the city sewer use ordinance.
- 356 "Pass-through" means a discharge which exits the POTW into waters of the United States
357 in quantities or concentrations which, alone or in conjunction with a discharge or
358 discharges from other sources, is a cause of a violation of any requirement of the
359 POTW's, NPDES or RIPDES permit (including an increase in the magnitude or duration
360 of a violation).
- 361 "PCBs" means Polychlorinated Biphenyls.
- 362 "Person" means any individual, partnership, copartnership, firm, company, corporation,
363 association, joint stock company, trust, estate, governmental entity or any other legal
364 entity; or their legal representatives, agents, or assigns. This definition includes all
365 federal, state and local governmental entities.
- 366 "pH" means the logarithm of the reciprocal of the weight of hydrogen ions expressed in
367 standard units.
- 368 "Pretreatment" means the reduction of the amount of pollutants, the elimination of
369 pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or
370 in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be
371 obtained by physical, chemical, or biological processes; by process changes; or by other
372 means, except by diluting the concentration of the pollutants unless allowed by an
373 applicable pretreatment standard.
- 374 "Pretreatment requirements" means any substantive or procedural requirement related to
375 pretreatment imposed on a user, other than a pretreatment standard.
- 376 "Pretreatment standards" means prohibited discharge standards, categorical pretreatment
377 standards and local limits.
- 378 "Priority pollutants" means the pollutants designated as toxic under Section 307(a)(1) of
379 the Federal Clean Water Act, and any more recent designations set forth by the EPA.
- 380 "Private sewer" means any sewer not owned by the city.
- 381 "Properly shredded garbage" means the wastes from the preparation, cooking and
382 dispensing of food that have been shredded to such a degree that all particles will be
383 carried freely under the flow conditions normally prevailing in public sewers, with no
384 particle greater than one-half (1/2) inch (1.27 centimeters) in any direction.
- 385 "Publicly owned treatment works" or "POTW" means a treatment works as defined by
386 Section 212 of the Act (33 U.S.C. Section 1292) which is owned by the city. This
387 definition includes any devices and systems used in the storage, treatment, recycling and
388 reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes
389 sewers pipes and other conveyances only if they convey wastewater to a POTW
390 treatment plant. The term also means the municipality as defined in Section 502(4) of the
391 Act, which has jurisdiction over the indirect discharges to and the discharges from such a
392 treatment works.
- 393 "Public sewer" means a sewer in which all owners of abutting properties have equal
394 rights, and is controlled by public authority.
- 395 "Replacement" means expenditures for obtaining and installing equipment, accessories or
396 appurtenances which are necessary during the service life of the treatment works to
397 maintain the capacity and performance for which such works were designed and
398 constructed. The term "operation and maintenance" includes replacement.
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401 "Rhode Island Pollutant Discharge Elimination System (RIPDES)" means the Rhode
 402 Island system for issuing, modifying, revoking and reissuing, terminating, monitoring and
 403 enforcing discharge permits and imposing and enforcing pretreatment requirements
 404 pursuant to Title 46, Chapter 12 of the General Laws of Rhode Island and the Clean
 405 Water Act.

406 "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and
 407 groundwaters are not intentionally admitted.

408 "Septage" means any sewage from pump stations, septic tanks, cesspools, vessels,
 409 chemical toilets and campers.

410 "Sewage" See "wastewater."

411 "Sewer" (sometimes referred to as a "sewer collection system") means any pipe or
 412 conduit for carrying sewage.

413 "Sewer main" means a pipe or conduit for collecting sewage from the street laterals and
 414 carrying it to the wastewater treatment works.

415 "Shall" is mandatory.

416 "Significant industrial user" means:

- 417 1. A user subject to categorical pretreatment standards; or
- 418 2. A user that:
 - 419 a. Discharges an average of twenty-five thousand (25,000) gpd or more of process
 420 wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown
 421 wastewater);
 - 422 b. Contributes a process waste stream which makes up five percent or more of the
 423 average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - 424 c. Is designated as such by the city on the basis that it has a reasonable potential for
 425 adversely affecting the POTW's operation or for violating any pretreatment standard or
 426 requirement.
- 427 3. Upon a finding that a user meeting the criteria in subsection 2 of this definition has no
 428 reasonable potential for adversely affecting the operation or for violating any
 429 pretreatment standard or requirement, the city may at any time, on its own initiative or in
 430 response to a petition received from a user, and in accordance with the procedures in Title
 431 40 Code of Federal Regulations Part 403.8(f)(6), determine that such user should not be
 432 considered a significant industrial user.
- 433 4. The city may determine that a user subject to categorical pretreatment standards under
 434 Title 40 Code of Federal Regulations Parts 403.6 and Chapter I, Subchapter N is a non-
 435 significant categorical industrial user rather than a significant industrial user on a finding
 436 that the Industrial User never discharges more than 100 gallons per day (gpd) of total
 437 categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown
 438 wastewater, unless specifically included in the pretreatment standard) and the following
 439 conditions are met:
 - 440 a. The user, prior to the city's finding, has consistently complied with all applicable
 441 categorical pretreatment standards and requirements;
 - 442 b. The user annually submits the certification statement required in Title 40 Code of
 443 Federal Regulations Part 403.12(q) together with any additional information necessary to
 444 support the certification statement; and

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- 447 c. The user never discharges any untreated concentrated wastewater.
 448 "Slug load" or "slug" means any discharge at a flow rate or concentration which would
 449 cause a violation of the prohibited discharge standards in Article V, Section 13.08.260 of
 450 this chapter.
 451 "Standard Industrial Classification (SIC) Code" means a classification pursuant to the
 452 Standard Industrial Classification Manual issued by the United States Office of
 453 Management and Budget.
 454 "Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and
 455 surface waters and drainage, but excludes sewage and industrial wastes, other than
 456 unpolluted cooling water.
 457 "Storm water" means any flow occurring during or following any form of natural
 458 precipitation, and resulting from such precipitation, including snowmelt.
 459 "Street lateral" means the extension from the building lateral to the public sewer main.
 460 "Superintendent" means the person designated to supervise the operation of the water
 461 pollution control facility of the city, or his or her authorized deputy, agent or
 462 representative.
 463 "Suspended solids" means solids that either float on the surface of, or are in suspension in
 464 water, sewage, or other liquids, and which are removable by laboratory filtering.
 465 "TKN" is Total Kjeldahl Nitrogen.
 466 "TLV-TWA" denotes threshold limit value-time weighted average, and refers to the time
 467 weighted atmospheric fume concentration for a normal eight-hour workday and forty (40)
 468 hour work week to which nearly all workers may be repeatedly exposed day after day,
 469 without adverse effect.
 470 "TSS" is total suspended solids.
 471 "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect
 472 or water that may not cause violation of receiving water quality standards and may not be
 473 benefited by discharge to the sanitary sewers and wastewater treatment facilities
 474 provided.
 475 "User" means a source of indirect discharge.
 476 "User charge" means a charge levied on users of a treatment works for the cost of
 477 operation and maintenance of such works.
 478 "Wastewater" or "sewage" means the spent water of a community, including human
 479 excrement and gray water. From the standpoint of source, it may be a combination of the
 480 liquid and water carried domestic and industrial wastes from residences, commercial
 481 buildings, industrial plants, and institutions together with any inadvertent groundwater,
 482 surface water and stormwater that may be admitted into the sewers.
 483 "Wastewater facilities" means the structure, equipment and processes required to collect,
 484 carry away and treat domestic and industrial wastes and dispose of the effluent.
 485 "Wastewater treatment works" means an arrangement of devices, systems and structures
 486 including interceptor sewers, outfall sewers, sewage collection systems, pumping, power
 487 and other equipment and the extensions, improvement, remodeling, additions and
 488 alterations thereof for treating wastewater, industrial wastes, and sludge. Sometimes used
 489 as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water
 490 pollution control facility."
 491
 492

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493 "Watercourse" means a channel in which a flow of water occurs, either continuously or
494 intermittently.

495 (Prior code § 26-4)

496 (Ord. No. 2009-52, § 1, 9-28-09)

497

498 Article II

499 Regulations Requiring the Use of Public Sewers Where Available

500

501 13.08.050 Unsanitary discharges.

502 It shall be unlawful for any person to place, deposit or permit to be deposited in any
503 unsanitary manner on public or private property within the city or in any area under the
504 jurisdiction of the city, any human or animal excrement, garbage or objectionable waste.

505 (Prior code § 26-5)

506

507 13.08.060 Discharge to natural outlets.

508 It shall be unlawful to discharge to any natural outlet within the city, any wastewater or
509 other polluted waters, except where in accordance with subsequent provisions of the
510 ordinance codified in this chapter.

511 (Prior code § 26-6)

512

513 13.08.070 Privy, privy vault, septic tank, etc.

514 It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool
515 or other facility intended or used for the disposal of wastewater, except as hereinafter
516 provided.

517 (Prior code § 26-7)

518

519 13.08.080 Houses, buildings, properties.

520 The owners of all houses, buildings or properties used for human occupancy,
521 employment, recreation, or other purposes, situated within the city and abutting on any
522 street, alley or right-of-way in which there is now located or may in the future be located
523 a public sanitary sewer of the city, is required, at each owner's expense, to install suitable
524 toilet facilities therein, and to connect such facilities directly with the public sewer in
525 accordance with the requirements of the director or in accordance with the provisions of
526 the ordinance codified in this chapter within thirty (30) days after date of official notice
527 to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of
528 the property line. The city may extend a sewer service connection or lateral to the
529 property line when the terminus of a sewer main is within one hundred (100) feet (30.5
530 meters) of said property and said connection is feasible.

531 (Prior code § 26-8)

532

533 13.08.090 Car wash, public laundry, etc.

534 No person shall operate the business of a car wash, public laundry, automatic laundry or
535 laundromat on any lot in the city unless such lot is served by a public sewer system or by
536 a system which reclaims for re-use on the premises at least eighty (80) percent of the
537 water discharged from the washing facilities, except that this section shall not apply to
538

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539 any business which shall have been in operation prior to June, 1978, and shall not apply
 540 to any gasoline station with a car wash stand to accommodate the washing of no more
 541 than one car at a time.
 542 (Prior code § 26-9)

543
 544 Article III
 545 Regulations and Procedures Regarding Building
 546 Sewers--Laterals and Connections

547
 548 13.08.100 Sewer system connection permits.

549 No sanitary connection of private property or public property with the public sewer
 550 system shall be made until the owner of the land, or his or her duly authorized agent, has
 551 submitted an application in writing to the city for permission to make the same, and has
 552 been granted such permission.

553 A. There shall be two classes of building sewer permits:

- 554 1. For residential and commercial service; and
- 555 2. For service to establishments producing industrial wastes.

556 In either case, the owner or his or her agent shall submit an application on a form
 557 furnished by the city. The permit application shall be supplemented by any plans,
 558 specifications or other information considered pertinent in the judgement of the city or its
 559 duly authorized representative. A permit and inspection fee shall be paid according to
 560 current fee schedules and cost estimate format established by the city.

561 B. Upon approval of the application by the city, the city shall authorize the building
 562 inspector to issue a permit for such installation to a duly licensed plumber or drain layer.

563 C. Permits (or separate contracts) issued to establishments producing industrial wastes
 564 will include, as a minimum, effluent limits, including local and applicable EPA
 565 categorical standards as they are promulgated, compliance schedules, monitoring
 566 schedules, and general conditions. Industrial user permits may contain other conditions as
 567 the city deems necessary or desirable, including, but not limited to, best management
 568 practices. The permit conditions are specifically and independently enforceable
 569 regardless of whether they are expressly required or set out in this chapter.

570 D. All industrial users shall comply with any and all applicable pretreatment standards
 571 and requirements, including but not limited to EPA Categorical Pretreatment Standards
 572 [Title 40 Code of Federal Regulations, Chapter I, Subchapter N, Parts 405-471], National
 573 Prohibited Discharges (general and specific) [Title 40 Code of Federal Regulations Parts
 574 403.5(a) and (b)] and all requirements of the Federal EPA General Pretreatment
 575 Regulations for Existing and New Sources of Pollution [Title 40 Code of Federal
 576 Regulations Part 403].

577 E. A sewer system connection fee shall be paid upon application for a building permit to
 578 erect structures which will connect directly or indirectly to the public sewer system.
 579 For purpose of the sewer system connection fee, the city is divided into the westerly
 580 sewer system impact area and the easterly sewer system impact area. The westerly sewer
 581 system impact area is the portion of the city that is located west of Interstate Route 295.
 582 The easterly sewer system impact area is that portion of the city that is located east of
 583 Interstate Route 295.

584

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585 TABLE INSET:

The westerly sewer system impact area sewer system connection fees are as follows:	
Single-family dwelling	\$3,000.00
Multi-family dwelling or apartment house or condominium complex	\$750.00 per bedroom and/or den
Rest home or hospital	\$750.00/bed
Hotels, motels, motor inns and dormitories	\$750/room plus per square foot charge for other floor space
Commercial, industrial or restaurant facility	
1 to 10,000 gross square feet	\$0.75/S.F.
10,001 to 20,000 gross square feet	\$0.50/S.F.
20,001 and over gross square feet	\$0.25 S.F.
Minimum fee	\$3,000.00
The easterly sewer system impact area sewer system connection fees are as follows:	
Single-family dwelling	\$1,200.00
Multi-family dwelling or apartment house or condominium complex	\$300.00 per bedroom and or den
Rest home or hospital	\$300.00/bed
Hotels, motels, motor inns and dormitories	\$300 Room plus per square foot charge for other floor space
Commercial, industrial or restaurant facility	
1 to 10,000 gross square feet	\$0.30/S.F.
10,001 to 20,000 gross square feet	\$0.20/S.F.
20,001 and over gross square feet	\$0.10/S.F.
Minimum fee	\$1,200.00

586 An additional sewer connection fee shall be paid on any future additions or expansions to
587 facilities in the above-mentioned categories. The additional fee shall be based on the
588 above schedule in the appropriate category.

589 F. Areas exempt from this chapter are as follows:

590 1. Public buildings;

591 2. Areas zoned M-1 or M-2 prior to January 1, 1983, located west of Route I-295, south
592 of Plainfield Pike and north of Scituate Avenue.

593 (Prior code § 26-22)

594 (Ord. No. 2009-52, § 1, 9-28-09)

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595 13.08.110 Service connection standards.
 596 Sewer service connections from the public sewer to the building drain shall be laid at
 597 such depth and gradient and in such location as the city may determine. No sewer service
 598 connection shall serve more than one building, except by permission of the city.
 599 Submission requirements and design standards for sanitary sewers shall be in accordance
 600 with rules and requirements shown the "Specifications for Highways Covering
 601 Residential and Industrial Plat Developments" from the city department of public works,
 602 latest edition. Annex A--Sewers within these rules addresses specific design requirements
 603 for sewer connections and extensions.
 604 (Prior code § 26-23)

605
 606 13.08.120 Service connection cleaning.
 607 If during inspection a building lateral clean out trap cannot be penetrated for lateral
 608 inspection or cleaning, the property owner shall replace it with a PVC wye at their
 609 expense. If a property owner cleans the building lateral, they shall also immediately clean
 610 the street lateral to prevent it from being plugged by debris removed from the building
 611 lateral.
 612 (Prior code § 26-24)

613
 614 13.08.130 Separate and independent building sewers/laterals.
 615 A separate and independent building and street lateral shall be provided for every
 616 building; except where one building stands at the rear of another on an interior lot and no
 617 private sewer is available or can be constructed to the rear building through an adjoining
 618 alley, court, yard or driveway, the building lateral from the front building may be
 619 extended to the rear building and the whole considered as one building lateral, but the
 620 city does not and will not assume any obligation or responsibility for damage caused by
 621 or resulting from any such single connection aforementioned. The rights appurtenant to
 622 such single connection or extension from a front building to a rear building shall be
 623 recorded with each of the respective deeds.
 624 (Prior code § 26-25)

625
 626 13.08.140 Use of sewer service connections.
 627 Private sewers or drains and sewer service connections within the street limits shall not
 628 be connected with the public sewerage system unless they are found after investigation
 629 by the city to be properly located, laid at suitable gradient, in good condition, with proper
 630 and suitable appurtenances, and in every way satisfactory to the city.
 631 (Prior code § 26-26)

632
 633 13.08.150 Costs.
 634 All costs and expense incident to the installation, inspection, and connections of the
 635 building drain, building lateral and street lateral, including private sewers or drains, shall
 636 be borne by the owner. The city or its authorized representative will provide the owner
 637 with a list of approved contractors with whom the owner shall contract for the installation
 638 of building laterals and street laterals. The owner shall indemnify the city from any loss
 639 or damage that may directly or indirectly be occasioned by the installation of the building
 640 lateral and street lateral and shall submit a certificate of insurance.

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641 That a revolving loan fund be established to defer costs to connect homes located within
 642 the city directly with the public sewer be established in the amount of two hundred
 643 thousand dollars (\$200,000.00), effective January 1, 2007.

644 That the following are considered as qualifications for eligibility for receiving a loan:

- 645 A. Applicant must be the owner of the home seeking to connect with the city sewer
- 646 system and must reside in said home located within the city of Cranston.
- 647 B. Applicants' total household income must be one hundred (100) percent of the poverty
- 648 level as established by the Social Security Administrations for households of equal size.
- 649 C. Applicant must document number of dependents and monthly personal income.

650 Acceptable proof includes:

- 651 1. Copies of most recent two pay stubs;
- 652 2. W-2 forms for most recent tax year; or
- 653 3. Proof of unemployment qualification.
- 654 D. Applications are subject to a credit history check administered by the department of
- 655 finance.
- 656 E. That interest costs will not be applicable; however, all loans must be repaid within
- 657 five calendar years in four quarterly installments each year.
- 658 F. That an administrative fee of fifty dollars (\$50.00) will be applied to each loan.
- 659 G. That loans will be administered through the department of finance.
- 660 H. That the department of finance will submit to the city council by March 1, 2007, and
- 661 annually thereafter, a report on the status of the revolving loan account, to include
- 662 aggregate number of loans issued, amount in the account, and status of any loans in
- 663 default. Loans that are in default will be handled as a collection issue in accordance with
- 664 policy and procedures manual prepared by the administration set forth through the
- 665 department of finance and approved by the city council.

666 (Ord. 07-25 § 1: prior code § 26-27)

667

668 13.08.160 Extension of sewer system.

669 Any person developing a plat of land in the city shall at his or her own expense install
 670 sewer lines and service stubs or wyes in such plat and shall connect the same with the
 671 existing sewer system according to city-approved plans where the system is within one
 672 thousand (1,000) feet (304.8 meters) of the subdivision. Where the existing sewer system
 673 is beyond one thousand (1,000) feet (304.8 meters), or where no city-approved plans are
 674 available, each lot shall be designed insofar as feasible to permit the location of an
 675 individual sewage disposal system between the building site and the street.

676 Connection to the public sewer system shall be in compliance with the terms and
 677 conditions set forth in the following subsections:

- 678 A. The entire cost of the design, review, installation, testing, and as-built documentation
- 679 of all sewer mains, manholes and other components of the sewer system to serve any
- 680 such plat or any part thereof shall be paid by the developer. The term "entire cost" as used
- 681 herein shall be deemed to mean and include the cost of all engineering services, both
- 682 preliminary to and during the actual installation of the sewer system, and the costs of all
- 683 materials, services, labor and supplies for construction and laying out sewers and
- 684 connecting the same with the sewer system, as-built documentation submission, and any
- 685 review or inspection costs incurred by the city.

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687

688

689 B. The developer, before proceeding with the installation of sewer lines in any such plat
 690 or any part thereof, shall submit plans and specifications, and all pertinent documentation
 691 to the city relative to the proposed construction. If the city approves such plans and
 692 specifications, the city shall forward a list of approved sewer contractors to the developer.
 693 The developer shall select and submit a qualified contractor with whom he or she
 694 proposes to do the work, together with a break-down of items, quantities and unit prices
 695 for the project.

696 C. The developer or its designee shall notify the city and its representatives at least five
 697 workdays prior to the commencement of any approved new plat related excavation,
 698 advising of the name, phone number and address of the developer and the contractor,
 699 along with the name and phone number of the contractor's foreman.

700 D. The construction and laying out of all sewer lines pursuant to this section shall be
 701 subject to the inspection of the city or its representative. If at any time the city or its
 702 representative shall determine that the construction and laying out of such sewer lines is
 703 not being performed in accordance with the plans and specifications as approved, he or
 704 she shall forthwith notify the developer to this effect in writing, who shall then order the
 705 suspension of all further work by and of payments to the contractor until such corrections
 706 are made as will produce complete compliance with the plans and specifications.

707 E. All sewer system components will be tested, cleaned and approved prior to issuance
 708 of a permit to connect to public sewer system, at the developer's cost. As-built
 709 information must be submitted and approved prior to final approval and issuance of a
 710 permit to connect.

711 (Prior code § 26-28)

712

713 13.08.170 Sanitary sewer standards.

714 Design standards for sanitary sewers shall be in accordance with rules and requirements
 715 shown in Annex A--Sewers of the "Specifications for Highways Covering Residential
 716 and Industrial Plat Developments," from the city department of public works, latest
 717 edition.

718 (Prior code § 26-29)

719

720 13.08.180 Approval of sewage pumps.

721 Whenever possible, the building drain shall be brought to the building at an elevation
 722 below the basement floor. No plumbing fixture shall be installed where the overflow rim
 723 is below the next up-stream manhole in the public sewer, except where:

724 A. An approved sewage grinder pump is utilized to pump sewage to the building drain,
 725 upon approval of the director. However, the city shall have no responsibility for the
 726 installation, operation, and maintenance of said equipment.

727 B. The property owner installs an approved backwater valve on the building drain in
 728 accordance with Section 13.08.280 of this chapter.

729 C. Grinder pumps and all appurtenances required for the building drain or lateral shall
 730 be installed in accordance with the Annex A--Sewers of the "Specifications for Highways
 731 Covering Residential and Industrial Plat Developments," from the city department of

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733 public works latest edition, and the local plumbing code. The installation shall be
 734 inspected in accordance with local standards, including inspection by the local plumbing
 735 inspector.

736 (Prior code § 26-30)

737

738 13.08.190 Backwater valves.

739 Approved backwater valves shall be installed on all new building laterals and drains to
 740 mechanically prevent backflow of sewage during flood conditions, upon approval of the
 741 director. The property owner shall be responsible for the installation, operation, and
 742 maintenance of their backwater valve and any property damage which may consequently
 743 occur. Backwater valves shall be installed in accordance with the Annex A--Sewers of
 744 the "Specifications for Highways Covering Residential and Industrial Plat
 745 Developments," from the city department of public works, latest edition, and the local
 746 plumbing code. The quantity of backflow valves necessary for commercial and industrial
 747 establishments must be submitted and approved by the director prior to installation.

748 (Prior code § 26-31)

749

750 13.08.200 Notification for inspection.

751 The applicant for the building sewer permit shall notify the building inspector when the
 752 building drain and building lateral are ready for inspection, and connection to the street
 753 lateral. The installation of the building drain and building lateral and the connection to
 754 the street lateral shall be made under the supervision of the building inspector. The
 755 contractor installing the building lateral and street lateral shall provide an as-built
 756 drawing, acceptable to the building inspector, of the installation with dimensions to locate
 757 the cleanout.

758 (Prior code § 26-32)

759

760 13.08.210 Procedure upon discontinuance of use.

761 Whenever any user under this article shall cease operation, notice shall be given to the
 762 plumbing inspector and the waste lines employed by such user shall be sealed under the
 763 supervisor of the plumbing inspector.

764 (Prior code § 26-33)

765

766 13.08.220 Rules and regulations covering sewer service under unusual conditions.

767 A. Where an abutting city or town has installed sewer lines to serve their residents and
 768 possibly city residents, and where said sewer flows into the city sewer system, said
 769 residents served shall pay the annual sewer assessment fee to help defray the operation
 770 and maintenance cost of the water pollution control facilities.

771 B. Where an abutting city or town has residents that can be entirely served by the city
 772 sewer system, these owners shall be subject to the annual sewer assessment fee.

773 C. Where industries are located either in city or in abutting cities and towns and where
 774 these industries are to be served by reciprocal agreements, then under these cases
 775 agreements must be drawn and approved by the city council.

776 D. Where city residents are served by abutting city or town sewer systems. no sewer
 777 assessment fee will be levied.

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778 E. Private sewers and sewers extending into adjacent communities which connect to the
779 city sewer, shall be installed in conformance with the city sewer use ordinance unless
780 otherwise approved by the director.

781 F. The city maintains the right to establish individual agreements with industries and
782 other entities for sewer service that may not be in full conformance with the ordinance.
783 Any such individual agreements must be approved by the city council.
784 (Prior code § 26-34)

785

786 Article IV

787 Regulations Relating to the Rate of Discharge

788 and Character of Waters and Wastes Admissible to Public Sewers

789

790 13.08.230 Inadmissible waters.

791 Storm water, groundwater, rain water, street drainage, subsurface drainage or yard
792 drainage shall not be discharged through direct or indirect connections to the public
793 sanitary sewer of the city.

794 (Prior code § 26-36)

795

796 13.08.240 Unpolluted water.

797 Unpolluted water, including, but not limited to cooling water, process water or blow-
798 down from cooling towers or evaporative coolers shall be discharged to such sewers as
799 are specifically designated as storm drains or to a natural outlet upon receiving approval
800 from applicable local, state and federal agencies as required, or into the sewer system
801 upon approval of the director.

802 (Prior code § 26-37)

803

804 13.08.250 Garbage grinder wastes.

805 Waste from garbage grinders shall not be discharged into a public sewer except:

806 A. Wastes generated in preparation of food normally consumed on the premises; or

807 B. Where the user has obtained a permit for the specific use from the director, and
808 agrees to undertake whatever self-monitoring is required to enable the city to equitably
809 determine the charges and fees based on the waste constituents and characteristics.

810 Such grinders must shred the waste to a degree that all particles will be carried freely
811 under normal flow conditions prevailing in the public sewer. Garbage grinders shall not
812 be used for grinding plastic, paper products, inert materials or garden refuse.

813 (Prior code § 26-38)

814

815 13.08.260 Restrictions on kinds of wastes.

816 A. No person shall discharge or cause to be discharged any of the following described
817 waters or wastes to any public sewers:

818 1. Pollutants which create a fire or explosive hazard in the POTW including, but not
819 limited to waste streams with a closed-cup flash point of less than one hundred forty
820 (140) degrees Fahrenheit (sixty (60) degrees Celsius) using test methods specified in 40
821 CFR 261.21.

822

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- 824 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in
 825 sufficient quantity, either singly or by interaction with other wastes, to injure or interfere
 826 with any wastewater treatment process, constitute a hazard to humans or animals, create a
 827 public nuisance or create any hazard in the receiving waters of the wastewater facilities.
- 828 3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive
 829 property capable of causing damage or hazard to structures, equipment and personnel of
 830 the wastewater facilities.
- 831 4. Solid or viscous substances in quantities or of such size capable of causing
 832 obstruction to the flow in sewers, or other interference with the proper operation of the
 833 wastewater facilities such as, but not limited to, hypodermic needles, ash, ashes, cinders,
 834 sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground
 835 garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes and cups,
 836 milk containers, etc., either whole or ground by garbage grinders.
- 837 5. Wastewaters whose theoretical equilibrium fume concentration exceeds limits of
 838 explosivity or fume toxicity based on criteria and procedures for determining
 839 flammability, TLV-TWA fume toxicity limits, and combined effects (synergism), as
 840 given in latest publications of the ACGIH and where necessary, supplementary scientific
 841 information.
- 842 6. Medical wastes, except as specifically authorized by the director in a discharge
 843 permit.
- 844 B. No person shall discharge or cause to be discharged the following described
 845 substances, materials, waters, or wastes if it appears likely in the opinion of the director
 846 that such wastes can harm either the sewers, wastewater treatment process, or equipment,
 847 have an adverse effect on the receiving stream, or can otherwise endanger life, limb,
 848 public property or constitute a nuisance. In forming his or her opinion as the acceptability
 849 of these wastes, the director will give consideration to such factors as the quantities of
 850 subject wastes in relation to flows and velocities in sewers, materials of construction of
 851 the sewers, nature of the wastewater treatment process capacity of the wastewater
 852 treatment works, degree of treatability of wastes in the wastewater treatment works, and
 853 other pertinent factors. The substances prohibited are:
- 854 1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees
 855 Fahrenheit (65.9 degrees Celsius) or contributing to a treatment plant influent
 856 temperature above one hundred four (104) degrees Fahrenheit (forty (40) degrees
 857 Celsius).
- 858 2. Any water or waste containing more than one hundred (100) milligrams per liter,
 859 (mg/l) of oil or grease of animal or vegetable origin, containing more than twenty-five
 860 (25) mg/l of oil or grease of mineral or petroleum origin or containing substances which
 861 may solidify or become viscous at temperatures between thirty-two (32) and one hundred
 862 fifty (150) degrees Fahrenheit (0 and 65.9 degrees Celsius).
- 863 3. Any waters or wastes containing strong acid iron pickling wastes, or concentrated
 864 plating solutions whether neutralized or not.
- 865 4. Any waters or wastes containing objectionable or toxic substances, or wastes exerting
 866 an excessive chlorine requirement, to such degree that any such discharge exceeds limits
 867 established by this chapter at the point of discharge into the public sewer.

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- 868 5. Any waters or wastes containing phenols or other taste or odor producing substances,
 869 in such concentrations exceeding limits which may be established by this chapter as
 870 necessary, to meet the requirements of state, federal or other public agencies.
- 871 6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed
 872 limits established by this chapter in compliance with applicable state or federal
 873 regulations.
- 874 7. Any waters or wastes having a pH in excess of 10.5.
- 875 8. Materials which exert or cause:
- 876 a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's
 877 earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to,
 878 sodium chloride and sodium sulfate).
- 879 b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning
 880 solutions).
- 881 c. Unusual BOD, CBOD₅, chemical oxygen demand, nitrogen compounds, phosphorus
 882 or chlorine requirements in such quantities as to constitute a significant load on the
 883 wastewater treatment works.
- 884 d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined
 885 herein.
- 886 e. Excessive flows containing any of the above listed constituents and or constituents
 887 which may cause or contribute to POTW interference.
- 888 f. Wastewater causing, alone or in conjunction with other sources, the treatment plant's
 889 effluent to fail a toxicity test.
- 890 9. Waters or wastes containing substances which are not amenable to treatment or
 891 reduction by the wastewater treatment process employed, or are amenable to treatment
 892 only to such degree that the wastewater treatment works effluent cannot meet the
 893 requirements of state, federal or other agencies having jurisdiction over discharge to the
 894 receiving waters.
- 895 10. Waters or wastes that may interfere with any of the treatment works or processes of
 896 the wastewater collection and treatment system.
- 897 11. Trucked or hauled wastes, except at discharge points designated by the
 898 superintendent in accordance with this chapter.
 899 (Prior code § 26-39)
- 900
- 901 13.08.270 Requirements to discharge.
- 902 If any waters or wastes are discharged, or are proposed to be discharged to the public
 903 sewers, which waters contain the substances or possess the characteristics enumerated in
 904 Section 13.08.260 of this article, and which, in the judgement of the director, may have a
 905 deleterious effect upon the wastewater facilities, processes, equipment or receiving
 906 waters, or which otherwise create a hazard to life or constitute a public nuisance, the
 907 director may:
- 908 A. Reject the wastes;
- 909 B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- 910 C. Require control over the quantities and rates of discharge; and/or
- 911 D. Require payment to cover the added cost of handling and treating the wastes.
- 912 (Prior code § 26-40)
- 913 (Ord. No. 2009-52, § 1, 9-28-09)

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914

915 13.08.280 Pretreatment or equalization.

916 If the director permits the pretreatment or equalization of waste flows, the design and
 917 installation of the plants and equipment shall be subject to the review and approval of the
 918 director, and subject to the requirements of all applicable state and federal codes,
 919 ordinances and laws.

920 Except where expressly authorized to do so by an applicable pretreatment standard or
 921 requirement, no industrial user shall ever increase the use of process water, or in any
 922 other way attempt to dilute a discharge as a partial or complete substitute for adequate
 923 treatment to achieve compliance with a pretreatment standard or requirement.

924 (Prior code § 26-41)

925

926 13.08.290 Maintenance and operation of facilities.

927 Where pretreatment or flow-equalizing facilities are provided for any waters or wastes,
 928 they shall be maintained continuously in satisfactory and effective operation by the owner
 929 at his or her expense.

930 (Prior code § 26-42)

931

932 13.08.300 Grease, oil and sand interceptors.

933 Grease, oil and sand interceptors shall be required at all industrial user facilities including
 934 restaurants and all other public eating places when they are necessary for the proper
 935 handling of liquid wastes containing oil or grease in excessive amounts, or any
 936 flammable wastes, sand or other harmful ingredients; except that such interceptors shall
 937 not be required for private living quarters or dwelling units. All interceptors shall be of a
 938 type and capacity approved by the city and shall be located as to be readily and easily
 939 accessible for cleaning and inspection. In maintaining these interceptors, the person
 940 generating the wastes shall be responsible for the proper removal and disposal by
 941 appropriate means of the captured material and shall retain a maintenance log that
 942 includes at a minimum, records of the dates and means of disposal, which are subject to
 943 review by the city. Any removal and hauling of the collected materials not performed by
 944 generating user's personnel must be performed by currently licensed waste disposal firms.
 945 The director of public works shall be responsible for the enforcement of this section.

946 (Ord. 05-17 § 1)

947 (Ord. No. 2009-52, § 1, 9-28-09)

948

949 13.08.310 Maintenance and operation of interceptors.

950 Where grease, oil and sand interceptors are required to be installed, they shall be
 951 maintained continuously in satisfactory and effective operation by the owner at his or her
 952 expense.

953 (Prior code § 26-44)

954

955 13.08.320 New discharges--Changes in existing discharges.

956 Any person proposing a new discharge into the system or a substantial change in the
 957 volume or character of pollutants that are being discharged into the system shall notify
 958 the director at least sixty (60) days prior to the proposed change or connection, such
 959

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960
 961 notification will not relieve users of liability for any expense, loss or damage to the sewer
 962 system, wastewater treatment works or treatment processes. A permit or permit
 963 amendment shall be applied for if the director requests submittal of a permit application
 964 in response to such notification; or if the proposed discharge or change would change the
 965 user classification as defined in this chapter; or violate any existing permit, agreement,
 966 discharge limit or other provision of this chapter.
 967 (Prior code § 26-45)

968
 969 13.08.330 Special agreements or arrangements.
 970 No statement contained in this chapter shall be construed as preventing any special
 971 agreement or arrangement between the city and any industrial concern whereby an
 972 industrial waste of unusual strength or character may be accepted by the city for
 973 treatment, subject to payment therefore, by the industrial concern, provided that said
 974 agreements do not contravene any requirements of existing federal and state laws and are
 975 compatible with any user charge and industrial cost recovery system in effect.
 976 Furthermore, no statement contained in this chapter shall be construed as preventing the
 977 city from enforcing more stringent requirements of EPA Categorical Pretreatment
 978 Standards and Requirements which may be promulgated nor from modifying wastewater
 979 discharge limits and requirements to assure compliance with future NPDES or RIPDES
 980 permits applied to the city wastewater treatment plant.
 981 (Prior code § 26-46)

982
 983 13.08.340 Wastewater discharge limits.
 984 A. Except as otherwise provided in a written permit issued by the director of public
 985 works, no person shall discharge wastewater containing in excess of the allowable
 986 discharge concentrations:
 987

Chemicals	Allowable Discharge Concentrations (mg/l except where noted)	Background Concentrations (mg/l)
Arsenic, Total	0.022	0.003
Cadmium, Total	0.0063	<0.0009
5-Day Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,198 lbs/day ¹ 334 lbs/day ² 50 lbs/day ³ 25 lbs/day ⁴ (monthly average)	230 mg/L
Chromium, Total	2.6	0.05
Copper, Total	0.57	0.04
Lead, Total	0.30	0.0064
Mercury, Total	0.0009	0.0001

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Nickel, Total	0.77	< 0.005
Silver, Total	0.12	0.0002
Zinc, Total	0.71	0.06
Cyanide, Total	0.26	<0.010
PCBs, Total	<0.001	<0.001
Total Nitrogen (Ammonia-N + Nitrite-N + Nitrate-N + Organic N)	50	27
Total Phosphorus	7.3	3.58
Total Toxic Organics	2.13	0.009

988 ¹ Applicable to Significant Industrial Users (SIU) in SIC categories of 7213, 7218, 2086, and
989 4953.

990 ² Applicable to SIUs in all food processing industries except SIU's classified under SIC code
991 2086.

992 ³ Applicable to SIUs having SIC category of 4911.

993 ⁴ Applicable to SIUs having SICs other than 7213, 7218, 2086, 4953, 4911 and not in a food
994 processing industry.

995 The above allowable discharge concentrations (with exception to CBOD₅) are considered
996 instantaneous maximum concentrations for each pollutant, that may not be exceeded at
997 any time, regardless of duration of monitoring. These limits unless otherwise noted apply
998 to all users of the sewer system and treatment works and will be used to determine
999 compliance with all process wastewater discharges at the end-of-pipe following
1000 pretreatment, if applicable, and prior to dilution with other waste streams.

1001 Total toxic organics shall mean the summation of all quantifiable values equal to or
1002 greater than 0.001 milligrams per liter of toxic organics as compiled in the most recent
1003 USEPA List of Priority Pollutants.

1004 B. Limits established in this section and Article V, Section 13.08.260 of this chapter,
1005 may be modified and the volume and concentration of contributions from users may be
1006 subject to more stringent requirements by the director so that the aggregate contribution
1007 within the POTW treatment works do not cause odor problems, treatment facility
1008 effluent, air emission or sludge discharge in violation of the limits and requirements of
1009 applicable federal and state regulations.

1010 C. In any instance in which federal and/or state requirements or limitations are more
1011 stringent than the limitations set forth in this chapter, said requirements and limitations on
1012 discharges shall be met by all users subject to such requirements or limitations.

1013 D. Any industrial user which discharges or may discharge industrial wastes in excess of
1014 the above background concentrations and/or of characteristics not typical of domestic
1015
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- 1017
 1018 wastewaters and/or may cause interference or pass through of the POTW is subject to an
 1019 industrial wastewater discharge permit issued by the city. Such permits shall include, but
 1020 not be limited to, federal, state and local discharge limits.
 1021 (Prior code § 26-47)
 1022 (Ord. No. 2008-47, § 1, 11-24-08)
 1023
 1024 Article V
 1025 Protection from Damage
 1026
 1027 13.08.350 Unauthorized construction.
 1028 No unauthorized person shall uncover, make any connections with or opening into, use,
 1029 alter or disturb any public sewer or appurtenance thereof without first obtaining a written
 1030 permit from the city.
 1031 (Prior code § 26-48)
 1032
 1033 13.08.360 Damage to wastewater facilities.
 1034 No unauthorized person shall maliciously, willfully or negligently break, damage,
 1035 destroy, uncover, deface or tamper with any structure, appurtenance or equipment which
 1036 is part of the wastewater facilities. Any person violating this provision shall be subject to
 1037 immediate arrest under charge of disorderly conduct, and the city may assess a charge
 1038 against the user for the costs incurred to clean or repair the wastewater facilities and add
 1039 such charge to the user's sewer service charge.
 1040 (Prior code § 26-49)
 1041
 1042 Article VI
 1043 Regulations Relating to Monitoring, Sampling and Analyses
 1044
 1045 13.08.370 Metered water supply.
 1046 When charges and fees are based upon the water usage, such charges and fees shall be
 1047 applied against the total amount of water used from all sources unless, in the opinion of
 1048 the director, significant portions of water received are not discharged to a public sewer.
 1049 The total amount of water used from public and private sources will be determined by
 1050 means of public meters or private meters, installed and maintained at the expense of the
 1051 user and approved by the director, subject to the direction and control of the department
 1052 of public works.
 1053 A. Each industry for which estimated charges will exceed one thousand dollars
 1054 (\$1,000.00) per year shall install a suitable device for continuously recording the flow
 1055 discharged in the city system.
 1056 B. In case of industries for which the total annual charge is estimated to be less than one
 1057 thousand dollars (\$1,000.00), the volume of flow used in computing charges shall be
 1058 based upon metered water consumption.
 1059 (Prior code § 26-50)
 1060
 1061
 1062

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1063
 1064 13.08.380 Metered wastewater volume and metered diversions.
 1065 When charges and fees are based upon water usage and where, in the opinion of the
 1066 director, a significant portion (more than twenty (20) percent) of the total annual volume
 1067 of water received from any metered source does not flow into the public sewer because of
 1068 the principal activity of the user or removal by other means, the charges and fees will be
 1069 applied against the volume of water discharged from such premises into the public sewer.
 1070 Where industries have a private water supply, all or part of which is discharged to the
 1071 sewer, the amount of such supply or the part thereof that is discharged to the city system
 1072 shall be metered and included in the charges made. Written notification and proof of the
 1073 diversion of water must be provided by the user, and approved by the director if the user
 1074 is to avoid the application of the charges and fees against the total amount of water used
 1075 from all sources. The user shall install a meter of a type and at a location approved by the
 1076 director at the user's expense. Such meters shall measure either the amount of sewage
 1077 discharged or the amount of water diverted. Such meters shall be maintained at the
 1078 expense of the user and be tested for accuracy at the expense of the user on an annual
 1079 basis.
 1080 (Prior code § 26-51)
 1081
 1082 13.08.390 Monitoring facility requirements.
 1083 Users who propose to discharge, or who in the judgment of the director could discharge
 1084 now or in the future, wastewater with constituents and characteristics different from that
 1085 produced by a domestic premise may be required to install a monitoring facility.
 1086 A. When more than one user can discharge into a common building sewer, the director
 1087 may require installation of a separate monitoring facility for each user. When, in the
 1088 judgment of the director, there is a significant difference in wastewater constituents and
 1089 characteristics produced by different operations of a single user, the director may require
 1090 that separate monitoring facilities be installed for each separate discharge. The director
 1091 may require that the separate monitoring facilities be outside of the building and that the
 1092 user's wastewater be separately piped to the monitoring facility.
 1093 B. Monitoring facilities that are required to be installed shall be constructed, operated
 1094 and maintained at the user's expense. The purpose of the monitoring facility is to enable
 1095 inspection, sampling and flow measurement of wastewaters produced by a user. If
 1096 sampling or metering equipment is required by the director, it shall be provided, installed
 1097 and operated at the user's expense. In the event that special analyses are required by the
 1098 city, the cost of said analyses shall be borne by the user. The monitoring facility will
 1099 normally be required to be located on the user's premises outside of the building. The
 1100 director may, however, when such a location would be impractical or cause undue
 1101 hardship on the user, allow the monitoring facility to be constructed in the public street or
 1102 sidewalk area and located so that it will not be obstructed by landscaping or parked
 1103 vehicles.
 1104 C. If the monitoring facility is inside the user's fence, there shall be accommodations to
 1105 allow safe and immediate access for city personnel, such as a gate secured with a city-
 1106 operated lock. There shall be ample room in or near such monitoring facility to allow
 1107
 1108

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- 1109
 1110 accurate sampling and compositing of samples for analysis. The entire monitoring facility
 1111 and the sampling and measuring equipment shall be maintained at all times in a safe and
 1112 proper operating condition by and at the expense of the user.
- 1113 D. Whether constructed on public or private property, the monitoring facilities shall be
 1114 constructed in accordance with the city requirements, construction standards and
 1115 specifications.
- 1116 E. All industries required to monitor their discharge shall keep records for a minimum
 1117 of three years, in accordance with Title 40 Code of Federal Regulations Part 403.12(o)
 1118 and report the results of such monitoring to the director, as required. Such records shall
 1119 be made available upon request by the director to other agencies having jurisdiction over
 1120 discharges to the receiving waters.
- 1121 F. When, in the judgement of the director, an existing user requires a monitoring
 1122 facility, the user will be so notified in writing. Construction must be completed within
 1123 ninety (90) days following written notification unless a time extension is otherwise
 1124 granted by the city.
 1125 (Prior code § 26-52)
 1126
- 1127 13.08.400 Inspection of user facilities.
 1128 The director may inspect the facilities of any user to ascertain whether the purpose of the
 1129 ordinance codified in this chapter is being met and all requirements are being complied
 1130 with. Persons or occupants of premises where wastewater is created or discharged shall
 1131 allow the director or his or her representative ready access at all reasonable times to all
 1132 parts of the premises and to have access to and copy all required records for the purposes
 1133 of inspection or sampling or in the performance of any of their duties. The director shall
 1134 have the right to set up on the user's property such devices as are necessary to conduct
 1135 sampling or metering operations. Where a user has security measures in force which
 1136 would require proper identification and clearance before entry into their premises, the
 1137 user shall make necessary arrangements with their security guards so that upon
 1138 presentation of suitable identification, personnel from the city will be permitted to enter
 1139 without delay for the purposes of performing their specific responsibilities.
 1140 (Prior code § 26-53)
 1141
- 1142 13.08.410 Measurements, tests and analyses.
 1143 All sample collection and preservation and all measurements, tests and analyses of the
 1144 characteristics of water and wastes to which reference is made in this chapter shall be
 1145 determined in accordance with EPA acceptable methods as published in the latest version
 1146 or edition of Title 40, Code of Federal Regulations, Part 136 (and amendments thereto),
 1147 and shall be determined at the monitoring facility provided, or upon suitable samples
 1148 taken at said monitoring facility. Phenols shall be as analyzed by wet chemistry methods
 1149 given in EPA Guidelines and not acid-extractable, semi-volatile phenols.
 1150 Each industrial user shall monitor for the requisite parameters according to applicable
 1151 pretreatment standards and pretreatment requirements, including permits issued by the
 1152 city under the provisions of this chapter or contractual agreements. In cases of conflicting
 1153 monitoring requirements, the more stringent thereof shall apply.

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- 1154 Information submitted to the director or the POTW pursuant to any pretreatment
 1155 standards and requirements may be claimed as confidential by the submitter. Any such
 1156 claim must be asserted at the time of submission in the manner prescribed on the
 1157 application form or instructions, or in the case of other submissions, by stamping the
 1158 words "Confidential Business Information" on each page containing such information. If
 1159 no claim is made at the time of submission, the director may make the information
 1160 available to the public without further notice. If a claim is asserted, the information will
 1161 be treated in accordance with the procedures in the Title 40, Code of Federal Regulations,
 1162 Part 2 (Public Information).
- 1163 Information and data provided to the director or POTW pursuant to this section which are
 1164 effluent data, permits or permit application forms shall be available to the public without
 1165 restriction. All other information submitted to the director or POTW shall be available to
 1166 the public at least to the extent provided by Title 40, Code of Federal Regulations, Part 2
 1167 (Public Information). The forms shall be approved by the director and furnished by the
 1168 city.
- 1169 All industrial user reports required under Title 40, Code of Federal Regulations, 403.12,
 1170 including, but not limited to, Self-Monitoring Reports, Demand Monitoring Reports and
 1171 reports on compliance with compliance schedules shall include the certification statement
 1172 as set forth in Title 40, Code of Federal Regulations, Part 403.6 (a)(2)(ii), and shall be
 1173 signed by an authorized company representative in accordance with Title 40, Code of
 1174 Federal Regulations, Part 403.12(1).
 1175 (Prior code § 26-54)
 1176
- 1177 Article VII
 1178 Powers and Authority of Inspectors
 1179
- 1180 13.08.420 Right to enter user facilities.
 1181 The director and other duly authorized representatives of the city, bearing proper
 1182 credentials and identification, shall be permitted to enter all properties for the purposes of
 1183 inspection, observation, measurement, sampling, and testing in accordance with the
 1184 provisions of this chapter. The director or his or her representative shall have no authority
 1185 to inquire into any processes including metallurgical, chemical, oil, refining, ceramic,
 1186 paper or other industries beyond that point having a direct bearing on the kind and source
 1187 of discharge to the sewers, waterways or wastewater treatment works.
 1188 (Prior code § 26-55)
 1189
- 1190 13.08.430 Right to enter onto easements.
 1191 The director and other duly authorized representatives of the city, bearing proper
 1192 credentials and identification, shall be permitted to enter all private properties through
 1193 which the city holds a duly negotiated easement for the purposes of, but not limited to,
 1194 inspection, observation, measurement, sampling, repair and maintenance of any portion
 1195 of the wastewater facilities laying within said easement. All entry and subsequent work,
 1196 if any, on said easement, shall be done in full accordance with the terms of the duly
 1197 negotiated easement pertaining to the private property involved.
 1198 (Prior code § 26-56)

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- 1199
- 1200 13.08.440 Personal injury and/or property damage.
- 1201 While performing the necessary work on private properties, the director or duly
- 1202 authorized representatives of the city shall observe all safety rules applicable to the
- 1203 premises established by the company and the company shall be held harmless for injury
- 1204 or death to the city employees. The city shall indemnify the company against loss or
- 1205 damage to its property by city employees and against liability claims and demands for
- 1206 personal injury or property damage asserted against the company and growing out of the
- 1207 gauging and sampling operation, except as such may be caused by negligence or failure
- 1208 of the company to maintain safe conditions as required in Article VII, Section 13.08.480,
- 1209 paragraph 3.
- 1210 (Prior code § 26-57)
- 1211
- 1212 Article VIII
- 1213 Enforcement
- 1214
- 1215 13.08.450 Accidental discharge.
- 1216 All users shall notify the director immediately upon accidentally discharging wastes that
- 1217 could cause problems to the POTW, including any slug loadings, as defined in Section
- 1218 13.08.040 of this chapter, and or are in violation of this chapter to enable
- 1219 countermeasures to be taken by the director to minimize damage to the wastewater
- 1220 facilities, treatment processes and the receiving waters.
- 1221 A. This notification shall be followed, within five days of the date of occurrence, by a
- 1222 detailed written statement describing the causes of the accidental discharge and the
- 1223 measure being taken to prevent future occurrence.
- 1224 B. Such notification will not relieve users of liability for any expense incurred due to
- 1225 loss or damage to the public sewer system, wastewater treatment works or treatment
- 1226 process.
- 1227 C. In order that employees or users may be informed of city requirements, users shall
- 1228 make available to their employees copies of this chapter together with such other
- 1229 wastewater information and notices which may be furnished by the city, from time to
- 1230 time, directed toward more effective water pollution control. A notice shall be furnished
- 1231 and permanently posted on the user's bulletin board advising employees of whom to call
- 1232 in case of an accidental discharge in violation of this chapter.
- 1233 D. Any direct or indirect connection or entry point for persistent or deleterious wastes to
- 1234 the user's plumbing or drainage system should be eliminated. Where such action is
- 1235 impractical or unreasonable, the user shall appropriately label such entry points to warn
- 1236 against discharge of such wastes in violation of this chapter.
- 1237 (Prior code § 26-58)
- 1238
- 1239 13.08.460 Consent orders.
- 1240 The director may enter into consent orders, assurances of voluntary compliance or other
- 1241 similar documents establishing an agreement with any user responsible for
- 1242 noncompliance. Such documents will include specific actions to be taken by the user to
- 1243
- 1244

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1245 correct the noncompliance within a time period specified by the document. Such
 1246 documents shall have the same force and effect as the compliance orders issued pursuant
 1247 to Article IX, Section 13.08.470 of this chapter and shall be judicially enforceable.
 1248 (Prior code § 26-59)
 1249 (Ord. No. 2009-52, § 1, 9-28-09)

1250
 1251 13.08.470 Compliance orders.

1252 When the director finds that a user has violated, or continues to violate, any provision of
 1253 this chapter, a wastewater discharge permit, or order issued hereunder, or any other
 1254 pretreatment standard or requirement, the director may issue an order to the user
 1255 responsible for the discharge directing that the user come into compliance within a
 1256 specified time. If the user does not come into compliance within the time provided, sewer
 1257 service may be discontinued unless adequate treatment facilities, devices, or other related
 1258 appurtenances are installed and properly operated. Compliance orders also may contain
 1259 other requirements to address the noncompliance, including additional self-monitoring
 1260 and management practices designed to minimize the amount of pollutants discharged to
 1261 the sewer. A compliance order may not extend the deadline for compliance established
 1262 for a pretreatment standard or requirement, nor does a compliance order relieve the user
 1263 of liability for any violation, including any continuing violation. Issuance of a compliance
 1264 order shall not be a bar against, or a prerequisite for, taking any other action against the
 1265 user.

1266 (Prior code § 26-60)

1267
 1268 13.08.480 Cease and desist orders.

1269 When the director finds that a user has violated, or continues to violate, any provision of
 1270 this chapter, a wastewater discharge permit, or order issued hereunder, or any other
 1271 pretreatment standard or requirement, or that the user's past violations are likely to recur,
 1272 the director may issue an order to the user directing it to cease and desist all such
 1273 violations and directing the user to:

1274 A. Immediately comply with all requirements;

1275 B. Take such appropriate remedial or preventive action as may be needed to properly
 1276 address a continuing or threatened violation, including halting operations and or
 1277 terminating the discharge;

1278 C. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for,
 1279 taking any other action against the user.

1280 (Prior code § 26-61)

1281
 1282 13.08.490 Show cause hearings.

1283 The director may order a user which has violated, or continues to violate, any provision
 1284 of this chapter, a wastewater discharge permit, or order issued hereunder, or any other
 1285 pretreatment standard or requirement, to appear before the director and show cause why
 1286 enforcement action should not be taken. Notice shall be served on the user specifying the
 1287 time and place for the meeting. the proposed enforcement action, the reasons for such
 1288 action, and a request that the user show cause as to why the proposed enforcement action
 1289 should not be taken. The notice of the meeting shall be served personally or by registered
 1290

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1291 or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such
 1292 notice may be served on any authorized representative of the user. A show cause hearing
 1293 shall not be a bar against, or prerequisite for, taking any other action against the user.
 1294 (Prior code § 26-62)

1295

1296 13.08.500 Request for reconsideration of actions.

1297 Any user, permit applicant, or permit holder affected by any decision, action or
 1298 determination, including cease and desist orders, made by the director, interpreting or
 1299 implementing the provisions of this chapter or in any permit issued herein, may file with
 1300 the director a written request for reconsideration within ten (10) days of such decision,
 1301 action or determination, setting forth in detail the facts supporting the user's request for
 1302 reconsideration.

1303 (Prior code § 26-63)

1304

1305 13.08.510 Appeal.

1306 If the ruling made by the director is unsatisfactory to the person requesting
 1307 reconsideration, he or she may within ten (10) days after notification of the action, file a
 1308 written appeal to the city council. The written appeal shall be heard by the city council
 1309 within thirty (30) days from the date of filing. The city council shall make a final ruling
 1310 on the appeal within fifteen (15) days of the close of the meeting. The director's decision,
 1311 action, or determination shall remain in effect during such period or reconsideration.

1312 (Prior code § 26-64)

1313

1314 13.08.520 Public notification.

1315 In order to comply with the public participation requirements of Title 40, Code of Federal
 1316 Regulations, Part 25, in the enforcement of national pretreatment standards, the city shall
 1317 provide public notification, at least annually, of industrial users which, during a twelve
 1318 (12) month period, are found to be in significant noncompliance as defined by Title 40,
 1319 Code of Federal Regulations, Part 403.8 (f)(2)(viii).

1320 (Prior code § 26-65)

1321 (Ord. No. 2009-52, § 1, 9-28-09)

1322

1323 Article IX

1324 Penalties

1325

1326 13.08.530 Violations.

1327 Any person found to be violating any provision of this chapter (except Article V)
 1328 including pretreatment standards and pretreatment requirements as may be imposed in
 1329 industrial wastewater discharge permits, compliance schedules or other compliance
 1330 mechanisms as may be issued by the director shall be served by the city with written
 1331 notice stating the nature of the violation. The offender shall, within the period of time
 1332 stated in such notice, acknowledge receipt of the notice, and permanently cease all
 1333 violations.

1334 (Prior code § 26-66)

1335

1336

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- 1337 13.08.540 Administrative fines.
- 1338 A. When city finds that a user has violated, or continues to violate, any provision of this
- 1339 chapter, a wastewater discharge permit, or order issued hereunder, or any other
- 1340 pretreatment standard or requirement, the city may fine such user in an amount not to
- 1341 exceed twenty-five thousand dollars (\$25,000.00). Such fines shall be assessed on a per
- 1342 violation, per day basis. In the case of monthly or other long-term average discharge
- 1343 limits, fines shall be assessed for each day during the period of violation. The director
- 1344 may add the costs of preparing administrative enforcement actions, such as notices and
- 1345 orders, to the fine including the recovery of reasonable attorneys' fees incurred by the city
- 1346 seeking compliance, penalties or damages.
- 1347 B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed
- 1348 an additional penalty of ten (10) percent of the unpaid balance, and interest shall accrue
- 1349 thereafter at a rate of 1.5 percent per month.
- 1350 C. A lien against the user's property may be sought for unpaid charges, fines and
- 1351 penalties.
- 1352 D. Users desiring to dispute such fines may file a written request in accordance with
- 1353 Article VIII, Section 13.08.500.
- 1354 E. An administrative fine shall not be a bar against, or a prerequisite for, taking any
- 1355 other action against a user.
- 1356 The city shall have the right to assess users who are found to have avoided user charges
- 1357 as a result of violation of this chapter.
- 1358 (Prior code § 26-67)
- 1359 (Ord. No. 2009-52, § 1, 9-28-09)
- 1360
- 1361 13.08.550 Injunctive relief.
- 1362 When the city finds that a user has violated, or continues to violate, any provision of this
- 1363 chapter, a wastewater discharge permit, or order issued hereunder, or any other
- 1364 pretreatment standard or requirement, the city may petition the Providence Superior
- 1365 Court through the city's attorney for the issuance of a temporary or permanent injunction,
- 1366 as appropriate, which restrains or compels the specific performance of the wastewater
- 1367 discharge permit, order, or other requirement imposed by this chapter on activities of the
- 1368 user. The city may also seek such other action as is appropriate for legal and/or equitable
- 1369 relief, including a requirement for the user to conduct environmental remediation. A
- 1370 petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any
- 1371 other action against a user.
- 1372 (Prior code § 26-68)
- 1373
- 1374 13.08.560 Civil penalties.
- 1375 A. A user who has violated, or continues to violate, any provision of this chapter, a
- 1376 wastewater discharge permit, or order issued hereunder, or any other pretreatment
- 1377 standard or requirement shall be liable to the city for a maximum civil penalty of twenty-
- 1378 five thousand dollars (\$25,000.00) per violation, per day. In the case of a monthly or
- 1379 other long-term average discharge limit, penalties shall accrue for each day during the
- 1380 period of the violation.

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- 1381 B. The city may recover reasonable attorneys' fees, court costs, and other expenses
 1382 associated with enforcement activities, including sampling and monitoring expenses, and
 1383 the cost of any actual damages incurred by the city.
 1384 C. In determining the amount of civil liability, the court shall take into account all
 1385 relevant circumstances, including, but not limited to, the extent of harm caused by the
 1386 violation, the magnitude and duration of the violation, any economic benefit gained
 1387 through the user's violation, corrective actions by the user, the compliance history of the
 1388 user, and any other factor as justice requires.
 1389 D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking
 1390 any other action against a user.
 1391 (Prior code § 26-69)

1392
 1393 13.08.570 Criminal prosecution.

- 1394 A. A user who willfully or negligently violates any provision of this chapter, a
 1395 wastewater discharge permit, or order issued hereunder, or any other pretreatment
 1396 standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable
 1397 by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation, per
 1398 day, or imprisonment for not more than thirty (30) days, or both.
 1399 B. The user who willfully or negligently introduces any substance into the POTW which
 1400 causes personal injury or property damage shall, upon conviction, be guilty of a
 1401 misdemeanor and be subject to a penalty of at least twenty-five thousand dollars
 1402 (\$25,000.00), or imprisonment for not more than thirty (30) days, or both. This penalty
 1403 shall be in addition to any other cause of action for personal injury or property damage
 1404 available under state law.
 1405 C. A user who knowingly makes any false statements, representations, or certifications
 1406 in any application, record, report, plan or other documentation filed, or required to be
 1407 maintained, pursuant to this chapter, wastewater discharge permit, or order issued
 1408 hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any
 1409 monitoring device or method required under this chapter shall, upon conviction, be
 1410 punished by a fine of not more than twenty-five thousand dollars (\$25,000.00) per
 1411 violation, per day, or imprisonment for not more than thirty (30) days, or both.
 1412 D. In the event of a second conviction, a user shall be punished by a fine of not more
 1413 than twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment
 1414 for not more than thirty (30) days, or both.
 1415 (Prior code § 26-70)

1416
 1417 13.08.580 Liability.

- 1418 Any person violating any provision of this chapter including pretreatment standards and
 1419 pretreatment requirements as may be imposed in industrial wastewater discharge permits,
 1420 compliance schedules or other compliance mechanisms as may be issued by the director
 1421 shall become liable to the city for any expense, loss or damage occasioned the city by
 1422 reason of such violation.
 1423 (Prior code § 26-71)

1424
 1425
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- 1427 13.08.590 Costs of repairing damage.
 1428 When a discharge of wastes causes an obstruction, damage or any other impairment to
 1429 the city's wastewater facilities, the city may assess a charge against the user for the work
 1430 required to clean or repair the wastewater facilities and add such charge to the user's
 1431 sewer service charge.
 1432 (Prior code § 26-72)
 1433
- 1434 13.08.600 Falsification of records and instruments.
 1435 Any person who knowingly makes any false statements, representations or certifications
 1436 in any application, record, report, plan or other documentation filed with the city or
 1437 required to be maintained pursuant to this chapter, wastewater discharge permit, or order
 1438 issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any
 1439 monitoring device or method required under this chapter is hereby declared to be in
 1440 violation of this chapter and subject to fine, criminal prosecution and punishment of not
 1441 more than twenty-five thousand dollars (\$25,000) per violation per day, or imprisonment
 1442 for not more than thirty (30) days, or both.
 1443
- 1444 13.08.610 Emergency suspensions.
 1445 A. The city may immediately suspend a user's discharge, after informal notice to the
 1446 user, whenever such suspension is necessary to stop an actual or threatened discharge
 1447 which reasonably appears to present or cause an imminent or substantial endangerment to
 1448 the health or welfare of persons. The city may also immediately suspend a user's
 1449 discharge, after notice and opportunity to respond, that threatens to interfere with the
 1450 operation of POTW, or which presents, or may present, an endangerment to the
 1451 environment.
 1452 B. Any user notified of a suspension of its discharge shall immediately stop or eliminate
 1453 its contribution. In the event of a user's failure to immediately comply voluntarily with
 1454 the suspension order, the city may take such steps as deemed necessary, including
 1455 immediate severance of the sewer connection, to prevent or minimize damage to the
 1456 POTW, its receiving stream, or endangerment to any individuals. The city may allow the
 1457 user to recommence its discharge when the user has demonstrated to the satisfaction of
 1458 the director that the period of endangerment has passed, unless the termination
 1459 proceedings in Section 13.08.630 are initiated against the user.
 1460 C. A user that is responsible, in whole or in part, for any discharge presenting imminent
 1461 endangerment shall submit a detailed written statement, describing the causes of the
 1462 harmful contribution and the measures taken to prevent any future occurrence, to the
 1463 director prior to the date of any show cause or termination hearing under Sections
 1464 13.08.490 and 13.08.630 of this chapter.
 1465 (Prior code § 26-74)
 1466
- 1467 13.08.620 Termination of service.
 1468 In order to effect its powers, the city may enter upon private property for the purpose of
 1469 inspection and maintenance of sanitary and waste disposal facilities and may terminate
 1470 service to property in which a violation of any rule and regulation of this chapter is found
 1471 to exist.
 1472 (Prior code § 26-75)

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- 1473
- 1474 13.08.630 Notification of termination of service.
- 1475 A. Prior to termination of service, however, the city shall notify in writing, the owner
- 1476 and tenant, if any, of such property that service is intended to be so terminated and
- 1477 conduct a hearing thereon as here in provided. Such notice shall be mailed to the owner at
- 1478 the address shown on the city records and a copy shall be delivered to the tenant or
- 1479 posted conspicuously on the property. The notice shall state the date of proposed
- 1480 termination of service and the reasons therefore and the date the city shall hold a hearing
- 1481 upon such intended termination. Such hearing shall not be held less than ten (10) days
- 1482 subsequent to the giving of the notice as herein required.
- 1483 B. The written notice and hearing requirements of this section are waived in the event of
- 1484 an emergency which threatens human health or welfare.
- 1485 (Prior code § 26-76)
- 1486
- 1487 13.08.640 Remedies nonexclusive.
- 1488 The remedies provided for in this chapter are not exclusive. The director may take any,
- 1489 all, or any combination of these actions against a noncompliant user. Enforcement of
- 1490 pretreatment violations will generally be in accordance with the city's enforcement
- 1491 response plan. However, the director may take other action against any user when the
- 1492 circumstances warrant. Further, the director is empowered to take more than one
- 1493 enforcement action against any noncompliant user.
- 1494 (Prior code § 26-77)
- 1495
- 1496 Article X
- 1497 Sewer Use Charges
- 1498
- 1499 13.08.650 Participation.
- 1500 Under Section 204(b)(1)(A) of the Federal Water Pollution Control Act Amendment of
- 1501 1972 (PL 92-500), and specifically under the Code of Federal Regulations, 40 CFR Part
- 1502 35, Subpart E, Sections 35.925-11, 35.935-13 and Appendix B to Subpart E, the city of
- 1503 Cranston has established a system of user charges to assure that each recipient of waste
- 1504 treatment services pay its proportionate share of the costs of operation and maintenance
- 1505 costs. The user charges will be modified at any time to generate sufficient revenue to
- 1506 offset the cost of treatment plus operation and maintenance provided by the city.
- 1507 (Prior code § 26-78)
- 1508
- 1509 13.08.660 Classification of users.
- 1510 All users shall be classified by assigning each one to a user classification category
- 1511 according to the principal wastewater constituents and characteristics for that type of user
- 1512 as determined by the director. The purpose of such classification is to establish a system
- 1513 of user charges and fees which will insure an equitable recovery of operation and
- 1514 maintenance cost. There shall be two classifications, industrial and domestic. Industrial
- 1515 users are those which discharge greater concentrations of conventional, non-
- 1516 conventional, or priority pollutants than those found discharged from typical domestic
- 1517

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1518 dischargers. Industrial users shall be monitored according to Article VI of this chapter to
 1519 determine their discharge concentrations for classification. All other dischargers will be
 1520 domestic users.
 1521 (Prior code § 26-79)
 1522 (Ord. No. 2009-52, § 1, 9-28-09)
 1523
 1524 13.08.670 Payments
 1525 A. Pursuant to the authority conferred by Section 10 of Chapter 750, of the Public Laws,
 1526 1939, as amended by Chapter 1372 of the Public Laws, 1943, and by Chapter 1891 of the
 1527 Public Laws, 1947, the following annual charges for the use of the sewerage system of
 1528 the city are established, to be paid by every person whose particular sewer entered into
 1529 such system at 12:01 a.m., January 1, 2013, and by every person whose particular sewer
 1530 enters into such system at 12:01 a.m., January 1, of each year thereafter.
 1531 B. The annual charge shall be due and payable on July 15, 2013, and that all annual
 1532 charges remaining unpaid at 4:00 p.m. on July 15, 2013, shall carry, until collected, a
 1533 penalty at the rate of twelve (12) percent per annum from July 15, 2013, upon said unpaid
 1534 annual charge, provided however, that said annual charge may be paid in four
 1535 installments, the first installment of twenty-five (25) percent on or before the 15th day of
 1536 July A.D. 2013, and the remaining installments as follows: twenty-five (25) percent on or
 1537 before the 15th day of October A.D. 2013, twenty-five (25) percent on or before the 15th
 1538 day of January A.D. 2014 and twenty-five (25) percent on or before the 15th day of April
 1539 A.D. 2014.
 1540 C. Each installment of annual charge, if paid on or before the last day of the installment
 1541 period successively and in order, shall be free from any charge for interest.
 1542 D. If the first installment of any succeeding installment of annual charge is not paid by
 1543 the last day of the respective installment period or periods as they occur, then the whole
 1544 annual charge or remaining unpaid balance of the annual charge, as the case may be, shall
 1545 immediately become due and payable and shall carry until collected a penalty at the rate
 1546 of twelve (12) percent per annum from July 15, 2013.
 1547 E. In the event of nonpayment, as noted herein, there shall be a penalty, of which shall
 1548 be the same as the tax rate penalty set by ordinance.
 1549 F. For any building or premises situated within the city discharging sanitary sewage or
 1550 industrial wastes, either directly or indirectly, into such sewerage system shall be charged
 1551 the following rates per annum:
 1552
 1553 **1. Dwellings and Apartments.**
 1554 Single-family: \$404.15*
 1555 Two-family: \$816.21*
 1556 Three-family: \$1,224.31*
 1557 Four-family: \$1,628.45*
 1558 And *four hundred and four dollars and fifteen cents (\$404.15) for each and every
 1559 additional family unit. Duplex houses that have more than one connection shall be billed
 1560 as separate units.
 1561
 1562
 1563

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1564

1565 **2. Buildings Containing Clubs, Libraries and Hospitals.**

1566 One unit: \$551.50*

1567 Two units: \$1,103.00*

1568 Three units: \$1,654.50*

1569 And five hundred and *fifty-one dollars and fifty cents (\$551.50) for each unit in excess
 1570 of three. Each such club, library and hospital and each dwelling or apartment contained in
 1571 such building shall be deemed one unit. For purposes of this section, a unit shall be
 1572 defined as housing a maximum of two people.

1573 **3. Buildings Containing Retail Establishments and Business Offices.**

1574 Each business office or retail establishment will be considered one unit. Any such
 1575 charges shall be fixed and determined according to the flow at the rate of *four thousand
 1576 nine hundred and forty-one dollars and thirty-nine cents (\$4,941.39) per million gallons
 1577 and at a like rate for any fraction thereof. Subject to the determination of the charges,
 1578 there shall be charged for each of the following establishments a minimum charge as
 1579 follows:

1580

1581 a. Any such retail establishment or business office in which ten (10) or less persons are
 1582 regularly employed shall be charged a minimum of five hundred and *fifty-one dollars
 1583 and fifty cents (\$551.50).

1584

1585 b. Any such retail establishment or business office in which eleven (11) but not more
 1586 than twenty (20) persons are regularly employed shall be charged a minimum of one
 1587 *thousand one hundred and two dollars and ninety-nine cents (\$1,102.99).

1588

1589 c. Any such retail establishment or business office in which twenty-one (21) but not
 1590 more than forty-nine (49) persons are regularly employed shall be charged a minimum of
 1591 three thousand *three hundred and eight dollars and ninety-six cents (\$3,308.96).

1592

1593 d. Any such retail establishment or business office in which fifty (50) but not more than
 1594 one hundred (100) persons are regularly employed shall be charged a minimum of four
 1595 thousand *four hundred and eleven dollars and ninety-four cents (\$4,411.94).

1596

1597 e. Any such retail establishment or business office in which one hundred and one (101)
 1598 but not more than two hundred (200) are regularly employed shall be charged a minimum
 1599 of six thousand *six hundred and seventeen dollars and ninety-two cents (\$6,617.92).

1600

1601 f. Any such retail establishment or business office in which more than two hundred
 1602 (200) are regularly employed shall be charged a minimum of eight thousand eight
 1603 hundred and *twenty-three dollars and eighty-nine cents (\$8,823.89).

1604

1605 **4. Restaurants, Cafes, Club C Licenses, and Automatic Self-Service Laundries.**

1606 Such charges shall be fixed and determined according to the flow at the rate of *four
 1607 thousand nine hundred and forty-one dollars and thirty-nine cents (\$4,941.39 per million
 1608 gallons and at a like rate for any fraction thereof. Subject to the determination of the

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- 1609 charges, there shall be charged for each of the following establishments a minimum
 1610 charge as follows:
 1611
- 1612 a. Restaurants and cafes having a seating capacity of twenty-five (25) or less shall be
 1613 charged a minimum of one thousand *eighty-three dollars and twelve cents (\$1,083.12);
 1614
 - 1615 b. Restaurants and cafes having a seating capacity of twenty-six (26) but not more than
 1616 fifty (50) shall be charged a minimum of two thousand *two hundred and fifty-two
 1617 dollars and thirty-three cents (\$2,252.33);
 1618
 - 1619 c. Restaurants and cafes having a seating capacity of fifty-one (51) but not more than
 1620 one hundred (100) shall be charged a minimum of three thousand *three hundred and
 1621 eighty-six dollars and nineteen cents (\$3,386.19);
 1622
 - 1623 d. Restaurants and cafes having a seating capacity of more than one hundred (100) shall
 1624 be charged a minimum of four thousand *five hundred and nine dollars and zero cents
 1625 (\$4,509.00);
 1626
 - 1627 e. Class C liquor establishments shall be charged a minimum of six hundred *fifty-seven
 1628 dollars and thirty-eight cents (\$657.38);
 1629
 - 1630 f. Automatic self-service laundries per washing unit shall be charged a minimum of two
 1631 hundred *sixty-six dollars and ninety-two cents (\$266.92).
 1632
- 1633 **5. Buildings Used for Manufacturing or Industrial Operations of Any Kind**
 1634 **(Including Laundries and Dairies).**
 1635 Such charges shall be fixed and determined according to the flow at the rate *four
 1636 thousand nine hundred and forty-one dollars and thirty-nine cents (\$4,941.39) per
 1637 million gallons and at a like rate for any fraction thereof. Subject to the determination of
 1638 the charges, there shall be charged for each of the following establishments a minimum
 1639 charge as follows:
- 1640 a. Any such establishment in which ten (10) or less persons are regularly employed shall
 1641 be charged a minimum of one thousand *four hundred and seven dollars and forty one
 1642 (\$1,407.41).
 1643
 - 1644 b. Any such establishment in which eleven (11) but not more than fifty (50) persons are
 1645 regularly employed shall be charged a minimum of two thousand *eight hundred twenty-
 1646 three dollars and sixty-five cents (\$2,823.65).
 1647
 - 1648 c. Any such establishment in which more than fifty (50) persons are regularly employed
 1649 shall be charged a minimum of *four thousand nine hundred and forty-one dollars and
 1650 thirty-nine cents (\$4,941.39)
 1651
 - 1652 d. For the purpose of this section, each individual business in the building or building
 1653 complex shall be considered an independent establishment. For the purpose of assessing

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1654 sewer usage fees for a business complex containing several individual businesses having
 1655 similar or dissimilar usage classifications, the greater of the calculations between the total
 1656 flow of the entire complex and the aggregate minimum fees of all individual businesses
 1657 shall prevail. In the case of using the total flow calculation, it shall not be the
 1658 responsibility of the city of Cranston to apportion the usage fee for individual businesses
 1659 within the complex unless the property owner, at their own expense, installs and
 1660 maintains flow meters within each individual business. However, upon request of the
 1661 property owner, the city will assist, to the best of its ability, in providing an approximate
 1662 apportionment of the total charges for each individual business within the complex.
 1663
 1664
 1665 e. To the above charges shall be added a pretreatment surcharge for all industries
 1666 discharging any priority pollutant at a concentration in excess of the background
 1667 concentration given in Section 13.08.340 of this chapter. That surcharge shall be
 1668 calculated by first determining the difference between the industry's permitted
 1669 concentration and the background concentration, then multiplying that difference times
 1670 the gallonage of flow (in million gallons) associated with the priority pollutant times a
 1671 conversion factor to determine the annual pound loading of priority pollutant, then
 1672 multiplying that pound loading by a rate in dollars per pound loading established by the
 1673 director for that priority pollutant. The rate for each priority pollutant shall be determined
 1674 annually based on an equitable proportioning, as determined by the director, of fifty (50)
 1675 percent of the actual costs to the city of administering the pretreatment program. (The
 1676 remaining costs of administering the pretreatment program will be incorporated in the
 1677 charges under subsection (F)(5)* of this section.) At the option of the director (or the
 1678 building owner if the director does not exercise the option), each industry within a
 1679 building housing more than one industry shall or need not have its own flow meter and
 1680 monitoring facilities for industrial wastewaters. A violation of the permit concentration
 1681 during the billing year shall cause the billing to be based on the highest measured
 1682 concentration in excess of the permit value and an increase in the dollar per pound rate
 1683 for that priority pollutant by a factor of two. That factor will serve the purpose of
 1684 defraying costs of additional monitoring required for industries in violation of permit
 1685 limits. The additional charges resulting from such violation shall be separate from and in
 1686 addition to any fines or penalties levied as a result of such violation. The industry shall
 1687 have the right to appeal to the director for a negotiated price in lieu of such additional
 1688 cost, based on the actual cost to the city of the additional monitoring. Any further appeal
 1689 process shall be in accordance with Section 13.08.510 of this chapter.
 1690 *f. To the above charges, any non-domestic User whose discharge contains
 1691 concentrations of *Carbonaceous Biochemical Oxygen Demand (CBOD₅) in excess of
 1692 230 mg/L or concentrations of Total Nitrogen as N (TN) in excess of 40 mg/L shall be
 1693 surcharged for the loadings in excess of the above defined limits for CBOD₅ and TN.
 1694 Notwithstanding, surcharges levied under this section does not relieve the User from any
 1695 fines *and penalties that may be imposed under Sections 13.08.540, 13.08.560, and
 1696 13.08.570. Notwithstanding, surcharges levied under this section does not relieve the
 1697 user of any related discharge limits as defined under section 13.08.340 or 13.08.260
 1698 B.8.C. The surcharge shall be calculated as follows:
 1699

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1703

CONVENTIONAL POLLUTANTS SURCHARGE		
PARAMETER		SURCHARGE LOAD LIMIT (mg/L)
CBOD ₅	Carbonaceous Biochemical Oxygen Demand	230
TN	Total Nitrogen as N	40

Conventional pollutant levels which exceed their respective surcharge concentrations are subject to a surcharge fee. Surcharge fees are calculated using the following formulas:

The Sewer Surcharge Calculation for TN

$$\text{FEE} = \frac{(\text{Average User Concentration} - \text{Surcharge Limit}) \times (\text{Annual Flow in gal}) \times (8.34\text{lb./gal}) \times (\text{Rate})}{1,000,000}$$

Rate = \$1.016 / Lb TN

The Sewer Surcharge Calculation for CBOD

$$\text{FEE} = \frac{(\text{Average User Concentration} - \text{Surcharge Limit}) \times (\text{Annual Flow in gal}) \times (8.34\text{lb./gal}) \times (\text{Rate})}{1,000,000}$$

Rate = \$0.045 / Lb CBOD₅

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G. For any building or premises situated outside the City of Cranston discharging sanitary sewage or industrial wastes, either directly or indirectly, into such sewerage system, and where no formal inter-jurisdictional agreement exists, shall be charged a twenty-five percent (25%) administrative fee per annum in addition to applicable rates per annum as determined from Section 13.08.670.*F.1. through F.5. of this Article.

6. Septage Disposal:

Fees, billing, and collection of fees for septage disposal shall be administered by the authorized representative of the City.

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1716 **7. Public Buildings.**

1717 Any building or premise owned by the City of Cranston shall be free from any charge
1718 for usage.

1719

1720 **8. *Charge for Non-Users.**

1721 An annual charge of one hundred and *twenty-one dollars and *thirty-two cents
1722 (\$121.32) is established, to be paid by every owner of land on which there is located at
1723 12:01 a.m. on January 1, 2013, and one which there is located at 12:01 a.m. on January
1724 1st of each year thereafter, any building used for residential, business or industrial
1725 purposes, which land abuts upon that portion of any street or highway or right-of-way in
1726 which there is then a sewer and the sewerage of which land is not then connected with
1727 such sewer; such charge to be paid in full at the time and place that the first installment of
1728 the regular city taxes is payable. Fees collected under this chapter from non-users will
1729 only be used to recover costs of sewer system capital improvements.

1730

1731 **9. Sewer Lateral Service Installations.**

1732 Sewer laterals are installed at the direction of the Cranston Public Works department
1733 from the sewer main line in the street to the property line. The charge for this installation
1734 will be equal to the actual construction costs.

1735 (Ord. 05-61 § 1)

1736 (Ord. 05-24 § 1)

1737

1738 **10. Sewer Usage Fee Adjustment.**A. It is the responsibility of each residential,
1739 commercial, or industrial user to verify the accuracy of the information on the billing
1740 statement for the Sewer Usage Fee. If the billing statement is viewed as inaccurate, the
1741 user may request a review for fee adjustment or cancellation.

1742

1743 B. The request for adjustment shall be made in writing no later than October 15th of the
1744 year the bill was issued. If the City of Cranston is not in receipt of the request for
1745 adjustment by said date, the City of Cranston will not consider the request for adjustment
1746 for the bill in question. Sewer adjustment issues shall include the following categories:

1747

1748 • A request for adjustment that is related to a Sewer Usage Fee or statement error;

1749

1750 • A change in sewer classification, confirmed by the assessor or by inspection;

1751

1752 • Residential, commercial, or industrial sewer service termination due to fire,
1753 demolition of a structure or other loss of "certificate of occupancy"; and/or

1754

1755 • Lack of sewer service to the building.

1756

1757 C. All classifications for Sewer Usage Fees are based on building use as of January 1 of
1758 each year. Classification changes and loss of certificate of occupancy that occur after
1759 January 1 will not qualify for a Sewer Usage Fee adjustment for that year's bill, but will
1760 be applied towards the following year's bill.

1761

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- 1762 D. The City of Cranston on its own initiative, may adjust clerical errors in the Sewer
 1763 Usage Fee. If the correction results in a decrease to the Sewer Usage Fee, and if the error
 1764 is detected before October 15 of the billing year, then the Sewer Usage Fee may be
 1765
 1766 adjusted for that year. If the correction is an increase to the Sewer Usage Fee, the City of
 1767 Cranston may assess the user the full Sewer Usage Fee that would have been due but for
 1768 the error. The City of Cranston will notify the user of this adjustment and the cause for
 1769 the adjustment. If the Sewer Usage Fee was in error due to the user's violation of the
 1770 ordinance, charges that would have been due but for the violation shall be assessed by the
 1771 City of Cranston. In either case, a separate supplemental Sewer Usage Fee bill will be
 1772 mailed reflecting the additional charge.
 1773
- 1774 E. Sewer Usage Fee adjustment requests shall be processed using a form provided for
 1775 this purpose. This form shall be signed and dated by the property owner and included
 1776 with a copy of the Sewer Usage Fee bill in contention and any other pertinent information
 1777 or documents supporting an adjustment. All forms and documents shall be submitted to:
 1778
 1779 **City of Cranston**
 1780 **Department of Public Works**
 1781 **869 Park Avenue**
 1782 **Cranston, RI 02910**
 1783 **Attention: Director**
 1784
- 1785 F. A written decision will be made by the Director to approve or deny the adjustment
 1786 within 30 days from the receipt of completed request, unless further information is
 1787 required. All written decisions by the Director shall be final upon issuance of such
 1788 written decision, but shall be subject to appeal to Public Works Committee pursuant to
 1789 Section 13.08.510 of the City of Cranston Codified Ordinance, including decisions on
 1790 adjustment requests that were not filed within the time periods set forth in Subsection B
 1791 above.
 1792
- 1793 G. The Director shall prepare a report summarizing the number of Sewer Usage Fee
 1794 adjustment requests, the number of requests approved and the reasons for such approvals,
 1795 and such other information as he or she deems appropriate. Such report shall be
 1796 delivered to the Public Works Committee by September 1 of each year for the prior fiscal
 1797 year.
 1798
- 1799 Article XI
 1800 Validity
 1801
 1802 13.08.680 Conflict.
 1803 All ordinance or parts of ordinances in conflict herewith are hereby repealed.
 1804 (Prior code § 26-81)
 1805
 1806 13.08.690 Severability.

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- 1807 If any provision of this chapter or the application to any person or circumstance is held
 1808 invalid, the remainder of this chapter or the application of such provisions to other
 1809 persons or other circumstances shall not be affected.
 1810 (Prior code § 26-82)
 1811 Article XII
 1812 Disposal of Hauled Wastes
 1813
 1814 13.08.700 Policy.
 1815 As a regional biosolids disposal facility, the Cranston water pollution control facility will
 1816 accept biosolids, grease, remediated groundwater, landfill leachate, commercial wastes
 1817 and industrial wastes, provided that the waste material is readily treatable by the facility's
 1818 treatment process and is in conformance with all rules and regulations established by the
 1819 city, the Rhode Island Department of Environmental Management and United States
 1820 Environmental Protection Agency. This activity is carried out in conjunction with the city
 1821 solids management program. All wastes received must be reviewed and approved by the
 1822 superintendent as authorized by RIDEM. No hazardous wastes, toxic wastes, or RCRA
 1823 hazardous wastes are acceptable.
 1824 (Prior code § 26-83)
 1825
 1826 13.08.710 Biosolids acceptance.
 1827 Biosolids must be approved by RIDEM prior to disposal at the plant. The procedure for
 1828 approval of a biosolids is detailed in the standard operating procedure (SOP) No. CRI-
 1829 001, receiving of non-city municipal wastewater derived biosolids, as shown in the solids
 1830 management program. Approval may at any time be suspended or revoked because of the
 1831 violation by the holder thereof of the rules and regulations herein prescribed, or for other
 1832 just cause or complaint. Biosolids must at all times meet applicable federal, state and
 1833 local regulations and requirements.
 1834 (Prior code § 26-84)
 1835
 1836 13.08.720 Discharge requirements and fees.
 1837 The contents of any tank truck containing hauled wastes may be discharged into the water
 1838 pollution control facility of the city, subject to the following rules and regulations:
 1839 A. The hauler and the hauled waste shall meet all requirements of the city's most current
 1840 solids management plan, including standard operating procedure No. CRI-001, receiving
 1841 of non-city municipal wastewater derived biosolids, as well as the sewer use ordinance.
 1842 B. Any violation of the terms and conditions of the solids management plan or sewer
 1843 use ordinance shall be deemed a violation of this chapter and subjects the contractor to all
 1844 costs for removal of any non-conforming materials and any costs and damages resulting
 1845 therefrom, as well as sanctions under Article IX of this chapter.
 1846 C. The city will perform random sampling of the hauled loads as it deems necessary to
 1847 determine compliance with the provisions of the solids management plan and sewer use
 1848 ordinance.
 1849 (Prior code § 26-85)
 1850
 1851 13.08.730 Hauled waste tank truck requirements.

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1852 All tank trucks carrying hauled wastes shall be kept airtight and free from leakage. All
1853 apparatus used in the business shall be kept clean and well painted, and must have the
1854 name of the licensee upon it in plain letters. No tank trucks shall be allowed to stand in
1855 any street except while in use.
1856 (Prior code § 26-86)
1857 13.08.740 Additional requirements.
1858 No statement contained in this article shall be construed to interfere with any additional
1859 requirements that may be imposed by the city or state of Rhode Island and Providence
1860 Plantations Department of Health.
1861 (Prior code § 26-87)
1862
1863 Article XIII
1864 Appendix--Forms
1865
1866 13.08.750 Application for Residential/Commercial Connection with Sewerage System.
1867 **City of Cranston, Rhode Island**
1868 **Application for Residential/Commercial Connection with Sewerage System**
1869 Plat No. _____
1870 No. _____
1871 Lot No. _____
1872 The undersigned, being owner or agent, of the property hereby applies for a permit for
1873 the connection of a sewer service connection for the _____
1874 Old _____
1875 New _____ at No. _____ and St. _____ that the same may be connected with
1876 the _____ (Name of Street) Street common sewer.
1877 Part _____ Sheet _____
1878 The undersigned agrees to strictly conform to the laws and ordinances and instructions
1879 previously given relating to sewers, and to the rules and regulations that are now in force
1880 or may be adopted in relation thereto, and also to the plumbing and drainage laws and
1881 ordinances as far as they relate thereto, and fully aware of penalties that may be invoked.
1882 Date of Application _____
1883 Signature _____
1884 Owner's Mailing Address _____
1885 Date of Application in Sewer Department by _____
1886 Cranston Sewer Division by _____
1887 Approved by _____ Plumbing Inspector
1888 Approved by _____ Owner's Agent/Owner's Attorney
1889
1890 13.08.760 Reserved.
1891 **Editor's note:** Ord. No. 2009-52, § 1, adopted September 28, 2009, repealed §
1892 13.08.760, which pertained to an industrial wastewater discharge application.
1893
1894 13.08.770 Reserved.
1895 **Editor's note:** Ord. No. 2009-52, § 1, adopted September 28, 2009, repealed §
1896 13.08.770, which pertained to a building layout sheet.

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- 1897
- 1898 13.08.780 Reserved.
- 1899 **Editor's note:** Ord. No. 2009-52, § 1, adopted September 28, 2009, repealed §
- 1900 13.08.780, which pertained to a schematic flow diagram.
- 1901
- 1902
- 1903 13.08.790 Reserved.
- 1904 **Editor's note:** Ord. No. 2009-52, § 1, adopted September 28, 2009, repealed §
- 1905 13.08.790, which pertained to a wastewater discharge permit.
- 1906 Article XIV
- 1907 Sewer Tie-In Loan Fund Regulations
- 1908
- 1909 13.08.800 Participation.
- 1910 In conjunction with Rhode Island Clean Water Finance Agency and Rhode Island
- 1911 Housing, the city wishes to participate in the sewer tie-in loan fund and abide by all of its
- 1912 loan policies and procedures.
- 1913 (Ord. No. 2008-10, § 1, 3-24-08)
- 1914
- 1915 13.08.810 Administration.
- 1916 A. The city adopts the following criteria for the administration of the sewer tie in loan
- 1917 fund:
- 1918 1. The maximum amount of the loan shall be ten thousand dollars (\$10,000.00).
- 1919 2. Only existing dwelling units, owner and non-owner occupied, shall be eligible for
- 1920 loans. New construction and commercial properties are not eligible.
- 1921 3. The maximum term of the loan is five years.
- 1922 4. The city shall place a lien in the amount of the loan on the property until the loan is
- 1923 fully paid.
- 1924 5. Funds will only be available for the tie in to the sewer and not for any interior
- 1925 plumbing or home improvement work.
- 1926 6. There is no income level requirement for eligibility for a loan however the debt to
- 1927 income ratio shall not exceed forty-five (45) percent.
- 1928 7. There is no prepayment penalty.
- 1929 8. Funds shall be made available after issuance of a certificate of conformance by the
- 1930 Rhode Island Department of Environmental Management.
- 1931 9. The sewer tie-in loan program shall be administered pursuant to loan policies and
- 1932 procedures developed by the Rhode Island Clean Water Finance Agency.
- 1933 10. The mayor or his designee is authorized to execute any and all documents necessary
- 1934 to effectuate the terms and intent of this ordinance.
- 1935 (Ord. No. 2008-10, § 2, 3-24-08)
- 1936
- 1937 Chapter 13.12 PRIVATE WASTEWATER DISPOSAL SERVICES
- 1938 **Sections:**
- 1939 13.12.010 Private wastewater disposal.
- 1940 13.12.020 Compliance with regulations.
- 1941 13.12.030 Minimum standards.
- 1942 13.12.040 Permit, inspection, notification.

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- 1943 13.12.050 Availability of public sewer.
- 1944 13.12.060 Operation and maintenance.
- 1945 13.12.070 License for removal of septage.
- 1946 13.12.080 License application.
- 1947 13.12.90 Expiration of license.
- 1948
- 1949 13.12.100 Septage tank truck requirements and hours of cleaning.
- 1950 13.12.110 Discharge requirements and fees.
- 1951 13.12.120 Additional requirements.
- 1952
- 1953 13.12.010 Private wastewater disposal.
- 1954 Where a public sanitary sewer is not available under the provisions of this chapter, the
- 1955 building lateral shall be connected to a private wastewater disposal system complying
- 1956 with the provisions of this chapter.
- 1957 (Prior code § 26-10)
- 1958
- 1959 13.12.020 Compliance with regulations.
- 1960 The type, capacities, location, and layout of a private wastewater disposal system shall
- 1961 comply with all rules and regulations of the state of Rhode Island and Providence
- 1962 Plantations Department of Health and the City. The private wastewater disposal system
- 1963 shall also comply with rules and regulations shown in this chapter.
- 1964 (Prior code § 26-11)
- 1965
- 1966 13.12.030 Minimum standards.
- 1967 The "Rules and Regulations Establishing Minimum Standards Relating to Location,
- 1968 Design, Construction and Maintenance of Individual Sewage Disposal Systems" and
- 1969 amendments thereto, as adopted by the state of Rhode Island and Providence Plantations
- 1970 Department of Health, under the authority of Chapter 23-1-17 and 23-1-18(6) of the
- 1971 General Laws of 1956, as amended, are considered part of this chapter.
- 1972 (Prior code § 26-12)
- 1973
- 1974 13.12.040 Permit, inspection, notification.
- 1975 A permit for a private sewage disposal system shall not become effective until the
- 1976 installation is completed to the satisfaction of the building inspector and an authorized
- 1977 representative of the Rhode Island Department of Health. They shall be allowed to
- 1978 inspect the work at any stage of construction and, in any event, the applicant for the
- 1979 permit shall notify the approving authorities when the work is ready for final inspection,
- 1980 and before any underground portions are covered. Said system shall be covered within
- 1981 forty-eight (48) hours after inspection and approval.
- 1982 (Prior code § 26-13)
- 1983
- 1984 13.12.050 Availability of public sewer.
- 1985 Pursuant to the provisions of Section 18 of Chapter 750 of the Public Laws of 1939, the
- 1986 director is authorized to order any abutting owner or occupant of land upon any street in
- 1987 which there is a sewer or in which a sewer may hereafter be constructed, to connect
- 1988 within thirty (30) days after notification the drainage and sewerage of such land with such

8S-12-1

- 1989 sewer, and to order any such owner or occupant to fill up and destroy within thirty (30)
 1990 days after notification any cesspool, privy vault, drain or other arrangement on such land
 1991 for the reception of drainage or sewerage.
 1992 (Prior code § 26-14)
 1993
 1994
 1995 13.12.060 Operation and maintenance.
 1996 The owner shall, at all times, operate and maintain all the private wastewater disposal
 1997 facilities on his or her private property in a sanitary condition as is satisfactory to the
 1998 building inspector, at no expense to the city. No person shall deposit, nor allow to be
 1999 deposited in their disposal facilities swill, rubbish, or solid refuse matter other than fecal
 2000 matter.
 2001 (Prior code § 26-15)
 2002
 2003 13.12.070 License for removal of septage.
 2004 No person shall engage in the business of removing the contents of privy vaults,
 2005 cesspools and septic tanks, herein referred to as "septage," or remove the contents of
 2006 privy vaults, cesspools or septic tanks or transport through the streets within the city the
 2007 contents of any privy vaults or cesspools, or carry night soil or other sewage, without first
 2008 obtaining a license from the safety services and licenses committee of the city council;
 2009 but nothing in this rule shall be construed as forbidding the owner of a privy vault,
 2010 cesspool or septic tank from removing the contents therefrom; providing a permit be first
 2011 obtained from the city. This license shall also apply to any person desiring to discharge
 2012 the contents of any such septage tank truck into the city wastewater treatment works.
 2013 (Prior code § 26-16)
 2014
 2015 13.12.080 License application.
 2016 Applicants requesting a license for removing, transporting, and discharging septage in the
 2017 city shall be required to submit a septage truck license application to the superintendent
 2018 for review and approval. The requirements for the application, including a fee of fifty
 2019 dollars (\$50.00), are detailed in the standard operating procedure No. CRI-002, receiving
 2020 of septage, shown in the city solids management program, as it pertains to septage
 2021 transporting, removal and disposal. If acceptable, the superintendent will process the
 2022 application, and forward the approved application and required fee to the city for issuing
 2023 the license. The applicant may commence with transporting and discharging septage
 2024 waste upon receiving a license and decal from the city.
 2025 (Prior code § 26-17)
 2026
 2027 13.12.090 Expiration of license.
 2028 The license for removing, transporting and discharging septage in the city shall be
 2029 effective for one year, starting on March 30th of each year. A one-year license extension
 2030 can be granted by the city upon submission and approval of a renewal application,
 2031 including a fifty dollar fee (\$50.00), submitted two weeks prior the March 30th expiration
 2032 date. The city may at any time suspend or revoke any such permit because of the
 2033 violation by the holder thereof of the rules and regulations herein prescribed, or for other
 2034 just cause or complaint.

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2035 (Prior code § 26-18)

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2040 13.12.100 Septage tank truck requirements and hours of cleaning.

2041 All tank trucks hauling septage shall be kept airtight and free from leakage. All apparatus
2042 used in the business shall be kept clean and well painted, and must have the name of the
2043 licensee upon it in plain letters, and must be approved by the director. No tank trucks
2044 shall be allowed to stand in any street except while in use. No privy vault or cesspool
2045 shall be cleaned within the hours of sunset and sunrise, except as directed by the director
2046 of public works.

2047 (Prior code § 26-19)

2048

2049 13.12.110 Discharge requirements and fees.

2050 The contents of any septage tank truck, licensed as aforesaid, containing domestic sewage
2051 or septage may be discharged into the wastewater treatment works of the city, subject to
2052 the rules and regulations stipulated in the standard operating procedures. Any violation of
2053 the terms and conditions herein shall be deemed a violation of this chapter and subjects
2054 the permittee to all costs for removal of any nonconforming materials and any costs and
2055 damages resulting therefrom, as well as sanctions under this title. Any recreational
2056 vehicle registered in the city may discharge into the wastewater treatment works. The
2057 rules and regulations for recreational vehicles are shown in the standard operating
2058 procedure No. CRI-002, receiving of septage. Charges for the depositing of septage shall
2059 be established by the city, as shown in this title.

2060 (Prior code § 26-20)

2061

2062 13.12.120 Additional requirements.

2063 No statement contained in this chapter shall be construed to interfere with any additional
2064 requirements that may be imposed by the city or state of Rhode Island and Providence
2065 Plantations Department of Health.

2066

4-13-04

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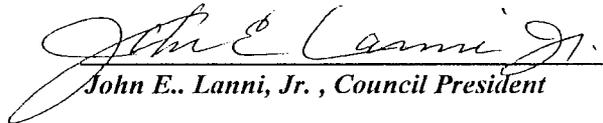
THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 8 , CHAPTER 36 OF THE CODE OF THE CITY
OF CRANSTON, 2005, ENTITLED "RODENT CONTROL"
(Bird Feeder Fines Nuisance)

No. 2013-25

Passed:

July 22, 2013


John E.. Lanni, Jr. , Council President

Approved:

July 23, 2013

Allan Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 8.36.080, Section .030 entitled " Feeding domesticated fowl, birds, or animals in open" is hereby amended by adding thereto the following:

8.36.080 - Feeding domesticated fowl, birds or animals in open.

No person shall place food in the open for the feeding of any domesticated fowl, birds or animals except in such containers as will prevent the scattering of such food upon the ground. After such feeding, such food shall not be allowed remain where it is accessible to rodents.

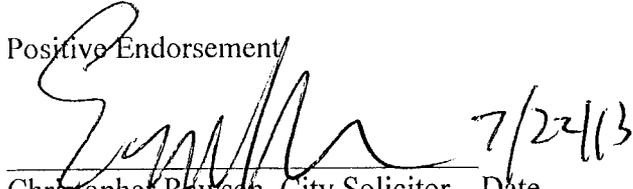
No person shall place more than one bird feeder per property until the rodent infestation in Cranston is eliminated.

Persons placing more than one bird feeder per property shall be considered to be creating a nuisance and shall be fined accordingly in an amount no less than \$50.00 per instance.

Section 2. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)



Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

Sponsored by: Council President Lanni and Council Vice President Farina
Referred to Public Works Committee May 6, 2013

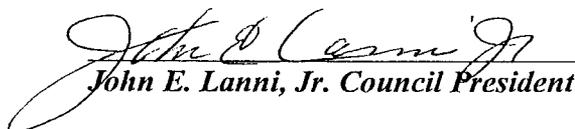
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THE CITY OF CRANSTON

RESOLUTION OF THE CITY OF CRANSTON
URGING THE MEMBERS OF THE RHODE ISLAND GENERAL ASSEMBLY
TO INTRODUCE AND PASS LEGISLATION AUTHORIZING THE CITY OF
CRANSTON TO BE EXEMPTED FROM THE PROVISIONS OF R.I. GEN.
LAWS SECTION 3-7-19(2002)
(2170 Broad Street)

No. 2013-32

Passed:
 July 22, 2013


 John E. Lanni, Jr. Council President

Resolved, That

WHEREAS, the property located at 2170 Broad Street, is located in Pawtuxet Village which is a significant commercial area in the City of Cranston; and

WHEREAS, the restrictions imposed by R.I. Gen. Laws Section 3-7-19 presents an impediment to economic growth at this location in that it would prohibit a restaurant serving alcohol; and

WHEREAS, the City has received an application from Torg LLC d/b/a The Elephant Room an existing restaurant at 2170 Broad Street, to serve alcoholic beverages as part of its menu; and

WHEREAS, the City Council is in support of said application;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Cranston City Council do hereby urge the members of the Rhode Island General Assembly to introduce and pass legislation authorizing the City of Cranston authority to be exempt from the provisions of R.I. Gen. Laws Section 3-7-19 for economic development purposes at 2170 Broad Street, Plat 1, Lot 2170 of the Cranston tax Assessors map as of December 31, 2012.

BE IT FURTHER RESOLVED, that the City Clerk will forward a certified copy of this Resolution to the Cranston delegation in the Rhode Island General Assembly immediately upon passage.

Sponsored by Safety Services & Licenses Committee
 Councilman Richard Santamaria, Chair

-JULY 22, 2013-

CLAIMS COMMITTEE
(Councilwoman Sarah Kales Lee, Chair)

***REPORT OF SETTLED CLAIMS (Informational purposes only):** Jenny L. Smith
\$1,185.33 vehicle damage.

No action needed.

V. PUBLIC HEARINGS
(open to any matters)

Richard Tomlins, 400 Farmington Ave., appeared to speak regarding the action the City Council took in the past on license for "Red Lounge" at 355 Dyer Ave.

VI. ELECTION OF CITY OFFICIALS

CRANSTON PUBLIC LIBRARY BOARD OF TRUSTEES:

- **FREDERICK MILLER, Re-appointment July 26, 2013–July 25, 2016**

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to re-appoint Frederick Miller as a member of the Cranston Public Library Board of Trustees. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

- **REGINA SPIRITO, Re-appointment July 28, 2013–July 27, 2016**

On motion by Council Vice-President Farina, seconded by Councilman Aceto, it was voted to re-appoint Regina Spirito as a member of the Cranston Public Library Board of Trustees. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

ZONING BOARD OF REVIEW:

ADAM C. SEPE, Appointment as regular member term expiration July 23, 2013 (replacing Curtis Ponder)

Councilman Botts questioned if there is a resume for Mr. Sepe. City Clerk stated that there is none on file. Council President Lanni stated that Mr. Sepe has served as an Alternate on this Board for five or six years and resume requirement has only been in effect for a few years.

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to appoint Adam C. Sepe as a regular member of the Zoning Board of Review to replace Curtis Ponder. Motion passed on a vote of 6-2. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Archetto, Aceto, Santamaria, Council Vice-President Farina and Council President Lanni -6. The following being recorded as voting "nay": Councilmen Botts and Favicchio -2.

REGISTRAR:

STEVEN J. SEPE, term expiration Jan 5, 2015

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to appoint Steven J. Sepe as City Registrar.

Discussion took place on whether this appointment would be a conflict since Mr. Sepe's father is Chair of the Democratic Party.

-JULY 22, 2013-

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to move the question. Motion passed on a vote of 6-2. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Archetto, Aceto, Santamaria, Council Vice-President Farina and Council President Lanni -6. The following being recorded as voting "nay": Councilmen Botts and Favicchio -2.

Roll call was taken on motion to appoint Steven J. Sepe as City Registrar and motion passed on a vote of 6-2. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Archetto, Aceto, Santamaria, Council Vice-President Farina and Council President Lanni -6. The following being recorded as voting "nay": Councilmen Botts and Favicchio -2.

GRANT WRITER/CONSULTANT APPLICANTS:

- *MADELYN SHAW*

Councilwoman Lee motioned to appoint Madelyn Shaw as Grant Writer/Consultant. No one seconded the motion.

- *KENNETH FILARSKI*

On motion by Councilman Favicchio, seconded by Councilman Botts, it was voted to appoint Kenneth Filarski as Grant Writer/Consultant. Motion passed on a vote of 7-1. The following being recorded as voting "aye": Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -7. The following being recorded as voting "nay": Councilwoman Lee -1.

Council Vice-President Farina suggested that there be a six month review and then re-appoint the Grant Writer/Consultant after that for one year.

VII. REPORT OF CITY OFFICERS

None.

VIII. EXECUTIVE COMMUNICATIONS

REPORT ON HIRING OF SPECIAL COUNSEL, CONSULTANTS, ETC., PURSUANT TO SECTION 15.05

No discussion.

CRANSTON FIRE DEPARTMENT:

- *LT. KEVIN R. HODNETT* – pension roll as of June 28, 2013, (Continued June 24, 2013)

Mr. Lopez appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Favicchio, it was voted to approve the above request. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

- *DEPUTY CHIEF KEVIN P. MORRIS* – Pension roll as of June 30, 2013

Mr. Lopez appeared to speak.

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to approve the above request. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

-JULY 22, 2013-

- **CAPTAIN DAVID MIZZONI** – Disability pension request as of June 30, 2013

Mr. Lopez appeared to speak.

On motion by Councilman Archetto, seconded by Councilman Aceto, it was voted to approve the above request. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

CRANSTON POLICE DEPARTMENT:

- **LT. PAUL SACCOCCIA** – request to be placed on pension roll as of July 5, 2013

Mr. Lopez appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to approve the above request. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

- **CAPTAIN THOMAS P. DODD** –request from Mayor Fung to place on disability pension

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(1) Personnel. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

The meeting went into Executive Session at 8:15 P.M.

Present in Executive Session: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni; Carlos Lopez, Chief of Staff; Evan Kirshenbaum, Assistant City Solicitor; Tim Bliss, Esq.

On motion by Council Vice-President Farina, seconded by Councilman Aceto, it was voted to come out of Executive Session. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

The meeting came out of Executive Session at 8:45 P.M.

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to seal the minutes of Executive Session. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

On motion by Councilman Botts, seconded by Councilman Archetto, it was voted to approve the above request. Motion passed on a vote of 7-1. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio and Council Vice-President Farina -7. The following being recorded as voting “nay”: Council President Lanni -1.

CLAIMS SETTLED BY SOLICITOR: Verizon \$4,384.81 damaged wire; Strauss, Factor, Laing & Lyons, Attorneys for GEICO (Charles Pruenca) \$1,677.17 vehicle damage.

No action needed.

-JULY 22, 2013-

IX. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni asked Paul Valetta to speak regarding the Phenix Arizona tragedy where nineteen firefighters died. Mr. Valetta stated that this was the largest loss of firefighters since 9/11. He stated that he, on behalf of the Cranston Firefighters, appreciate the City Council's support of the Cranston Firefighters.

X. COUNCIL MEMBER COMMUNICATIONS

Councilman Santamaria: Wal-Mart, Plainfield Pike, request for local contact

Councilman Santamaria stated that last week there was a tractor trailer parked on the side of the lot. He would like the Police to contact Wal-Mart or the management company regarding this. Mr. Lopez stated that this is one of the things he will be addressing prior to the next meeting.

Councilman Aceto: Yard Waste Pickup

Mr. Lopez stated that this is pretty well under control. This is being monitored by the Public Works Director.

XI. OLD BUSINESS

None.

XII. INTRODUCTION OF NEW BUSINESS

Clerk read the following introduced items and the Committees and the date referred for public hearing:

***(for informational purposes. All new business is referred to
Committee for public hearing)**

7-13-1 Ordinance ratifying the International Association of Firefighters, AFL-CIO Local Union 1363 (FY July 1, 2013 – June 30, 2016). Referred to Finance Committee 8/15/2013. [\[click to view\]](#)

7-13-2 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 31 Poplar Dr. and 42 Poplar Dr.). Referred to Ordinance Committee 9/12/2013. [\[click to view\]](#)

7-13-3 Ordinance in amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions). Referred to Ordinance Committee 8/15/2013. [\[click to view\]](#)

7-13-4 Ordinance in amendment of Chapter 17.16 of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Special Flood Hazard Districts). Referred to Ordinance Committee 8/15/2013. [\[click to view\]](#)

7-13-5 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles & Traffic" (No Parking On Calaman Rd.). Referred to Ordinance Committee 8/15/2013. [\[click to view\]](#)

7-13-6 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Pond and Orchard). Referred to Ordinance Committee 8/15/2013. [\[click to view\]](#)

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
ORDINANCE OF THE CITY COUNCIL RATIFYING THE INTERNATIONAL
ASSOCIATION OF FIREFIGHTERS, AFL-CIO LOCAL UNION 1363
(FY July 1, 2013 – June 30, 2016)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. The City of Cranston has through its corporate officials, bargained collectively with the International Association of Firefighters, AFL-CIO, Local 1363 which is the certified bargaining representative of Local 1363 firefighters as set forth in the contract; and Local 1363 and the City of Cranston have reached an understanding respecting the terms of a contract resulting from concession bargaining.

Section 2. That agreement in writing between the City of Cranston and Local 1363, a copy of which is attached hereto and made a part hereof, is hereby ratified, confirmed and approved by this City Council.

Section 3. That except as modified by the terms of the aforesaid agreement, the City of Cranston shall retain all powers vested in it by law and its Charter over the management, regulation and control of said City firefighters.

Section 4. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher M. Rawson, Solicitor

Christopher M. Rawson, Solicitor

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Fiscal Note

I hereby certify that it is anticipated that sufficient funds will be available to fund this contract, and I have provided a fiscal impact analysis, in accordance with Section 3.04.152 of the Cranston City Code.

Robert F. Strom, Director of Finance

Sponsored by Allan W. Fung, Mayor

Referred to Finance Committee August 15, 2013

Tentative Agreement

WHEREAS, this Tentative Agreement between the City of Cranston, Rhode Island and Local 1363, International Association of Fire Fighters is entered into on June 28, 2013 as the collective bargaining agreement, titled "Agreement Between the City of Cranston, Rhode Island and Local 1363, International Association of Fire Fighters, AFL-CIO July 1, 2011 to June 30, 2013" is set to expire and;

WHEREAS, except as specifically and expressly set forth in this Tentative Agreement and subject to the ratification procedures of both parties to this Tentative Agreement, all of the terms and conditions in the collective bargaining agreement (dated July 1, 2011 to June 30, 2013) shall continue and remain in effect and are incorporated by reference as if fully reproduced herein; and

WHEREAS, the collective bargaining agreement resulting from this Tentative Agreement shall be subject to ratification by both the City's and the Union's authorized ratifying bodies;

NOW, THEREFORE, the following contains the agreement and understanding of the parties' to enter into a collective bargaining agreement titled "Agreement Between the City of Cranston, Rhode Island and Local 1363, International Association of Fire Fighters, AFL-CIO dated July 1, 2013 to June 30, 2016.

AWF
7/15/13

DLV JR
7/15/2013

(1.) p2.

AGREEMENT

This Agreement is entered into as of the 30th day of June, 2010-2013, by and between the City of Cranston (hereinafter referred to as "City" or "Employer") and the International Association of Fire Fighters, Local 1363, AFL-CIO (hereinafter referred to as "Union" or "I.A.F.F." or "Local 1363"). This Collective Bargaining Agreement (hereinafter "Agreement"), is entered into pursuant to the authority granted by Rhode Island General Laws Title 28, Chapter 9.1, et seq. known as the Fire Fighters' Arbitration Act, as amended.

AWF PLUJR
City L1363

(2.) p7

Section 4.5 - Vacancies - Privates And Officers Ranks

1. Vacancies in the Privates' ranks shall be filled as soon as practicable after the date vacancy occurs. A vacancy occurs as a result of a retirement, death, promotion or termination. ~~For contract years commencing July 1, 2010 and July 1, 2011, the City may leave up to seventeen (17) vacancies in the privates rank unfilled. For the contract year commencing July 1, 2012, the City may leave up to seventeen (17) vacancies in the privates rank unfilled.~~

AWF PLUJR
City L1363

(3.) p9

Section 6 - Promotions

Promotion to the rank of Lieutenant and Captain on the Fire Department shall be made from the most senior person on the appropriate certified promotional list. Promotions to the ranks of Chief, Assistant Chief, Deputy Chief, Director of Emergency Medical Services, Fire Marshal, Superintendent of Fire Alarm, shall be made from the certified promotional list in

accordance with the provisions of the City Charter. All certified promotional lists shall run concurrently regardless of the date of the certification of the promotional list by the Director of Personnel.

AWP PLU VR
City L1363

(4.) p 24

Section 14.5 - Vacations Civilian Employees

Effective July 1, 1986, all permanent classified employees who have less than five (5) years' service in the Department as of January 1 in any year shall be entitled to a vacation of sixteen (16) working days during such calendar year. All employees who have completed five (5) years but less than ten (10) of service in the Department prior to January 1 of any year shall be entitled to a vacation of nineteen (19) working days during such calendar year. All employees who have completed ten (10) years of service or more in the Department prior to January 1 in any year shall be entitled to a vacation of twenty four (24) working days during such calendar year. ~~who have less than five (5) years of service with the City, shall accumulate vacation leave at the rate of one and one third (1 1/3) days per month totaling sixteen (16) days per year. All permanent classified employees who have more than five (5) years but less than ten (10) years with the City shall accumulate vacation leave at the rate of 1.583 days per month totaling nineteen (19) days per year. All permanent classified employees who have ten (10) years or more of service with the City shall accumulate vacation leave at the rate of two (2) days per month totaling twenty four days (24) per year.~~ It is also agreed that any employee with ten (10) or more years of service on December 31st, may elect to be paid up to five (5) days vacation pay for time accrued in excess of eighteen (18) days per year. Vacation periods shall be set by mutual agreement between the Department/Division Head and the employee. If there is a conflict as to the choice of vacation between employees, it shall be decided on the basis of seniority.

AWP PLU VR
City L1363

(5.) p25 **Section 15 - Paid Holidays**

The following holidays shall be paid holidays for members of the Department:

New Year's Day	Memorial Day	Firefighter's Memorial Sunday (2nd Sunday in Oct.)
Martin Luther King Day	Independence Day	Columbus Day
Washington's Birthday	V-J Day	Armistice Day
Easter Sunday	9/11 Memorial Day	Thanksgiving Day
RI Independence day	Labor Day	Christmas Day

~~Each member waives the following holiday pay for Contract Year July 1, 2008 to June 30, 2009 for the following holidays:~~

~~President's Day, Easter Sunday, R.I. Independence Day, Memorial Day~~

AWF PLU JR
City L1363

(6.) p.26-29 **Section 15.1 - Uniform Clothing Allowance and Voucher**

The City agrees to supply employees of the Fire Department by November 1 each year the following clothing and equipment:

A. ~~Firefighters/Drivers/Fire Officers:~~

~~Four (4) sets of station uniforms and one (1) pair of black shoes or black athletic shoes each year.~~

F.A. Chief of the Department, Assistant Chief/Deputy Chiefs, Superintendent of Fire Alarm, Fire Prevention Officers, EMS Director, Hazardous Material Officer/Deputy Chief, and Training Officer/Deputy Chief.

Two (2) pairs of dress blue uniform trousers, a dress blue blouse or jacket, a hat, five (5) dress white shirts, one (1) black neck tie, and one (1) pair of black shoes on a one (1) time basis when a member is initially transferred into the above-mentioned position. The above-mentioned items of clothing will be replaced as soon as practicable with similar clothing when, upon inspection, such clothing is worn, destroyed, or mutilated as a result of normal wear and tear or as the result of destruction in the line of duty and upon the surrender by member of said clothing.

~~B. — Rescue Drivers/Rescue Officers:~~

~~Four (4) sets of station uniforms, and one (1) pair of black shoes or black athletic shoes each year.~~

~~E. — Mechanics:~~

~~Four (4) sets of blues, one (1) pair of black shoes each year and three (3) sets of rental coveralls per week.~~

~~H. — Civilian dispatchers will receive three (3) collared polo shirts per year.~~

Fire Department issued collared polo shirts may be worn in place of the blue uniform shirt. New hires will receive four (4) sets of station uniforms four (4) collared polo shirts and one (1) pair of shoes.

~~C. — Fire Alarm Operators/Fire Alarm Lieutenant:~~

~~Four (4) sets of station uniforms, and one (1) pair of black shoes or black athletic shoes each year.~~

~~D. — Lead Linemen/Linemen/Civilian Electrician~~

~~Four (4) sets of blues, and one (1) pair of black shoes each year.~~

~~E. — Mechanics:~~

~~Four (4) sets of blues, one (1) pair of black shoes each year and three (3) sets of rental coveralls per week.~~

AWP
PLU-MR

~~F. Chief of the Department, Assistant Chief/Deputy Chiefs, Superintendent of Fire Alarm, Fire Prevention Officers, EMS Director, Hazardous Material Officer/Deputy Chief, and Training Officer/Deputy Chief.~~

~~Two (2) pairs of dress blue uniform trousers, a dress blue blouse or jacket, a hat, five (5) dress white shirts, one (1) black neck tie, and one (1) pair of black shoes on a one (1) time basis when a member is initially transferred into the above mentioned position. The above mentioned items of clothing will be replaced as soon as practicable with similar clothing when, upon inspection, such clothing is worn, destroyed, or mutilated as a result of normal wear and tear or as the result of destruction in the line of duty and upon the surrender by member of said clothing.~~

~~G. Fire Prevention Officers:~~

~~In addition to the above mentioned items of clothing, two (2) sets of station uniforms each year.~~

~~H. Civilian dispatchers will receive three (3) collared polo shirts per year.~~

~~Fire Department issued collared polo shirts may be worn in place of the blue uniform shirt. New hires will receive four (4) sets of station uniforms four (4) collared polo shirts and one (1) pair of shoes.~~

Effective July 1, 2008

Remove the following Sections

Section 15.1 A, B, C, D and G

The uniform issue will be by the voucher system. Each member may choose clothing from the following listed items. NFPA Approved blue uniform shirt and pants, polo shirts, shoes or athletic shoes and a belt. The Chief of the Department may add or delete any additional clothing or equipment he deems necessary to the voucher list. ~~In 2008 the cost of each voucher will not exceed four hundred fifty (\$450) dollars per member. In 2009 the cost of each voucher will not exceed five hundred fifty (\$550) dollars per member.~~

Effective July 1, 2015 the cost of each voucher will not exceed six hundred (\$600.00) dollars.

Effective July 1, 2016 the cost of each voucher will not exceed seven hundred (\$700.00) dollars.

AWP PLV JR

The order shall be placed by the city by September 1 of each year.

~~New hires will receive four (4) sets of station uniforms four (4) collared polo shirts and one (1) pair of shoes~~

AWP PLU JR
City L1363

(7.)p29-30 **Section 15.2 – Protective Gear and Clothing Allowance**

~~C.~~ ~~Operators, Fire Alarm Lieutenants:~~

~~Blue uniform work jackets.~~

~~D.C.~~ Fire Alarm Linemen, Civilian Electrician/Lead Lineman

Coveralls or overalls, climbing shoes, hard hats, linemen's gloves, all-purpose coats, heavy-duty rubbers, foul-weather gear, woolen caps, Nomex hood, jumpsuit, and summer jacket.

~~E.D.~~ Mechanics:

Canvas work jacket, heavy-duty rubbers, steeled toed work shoes, work gloves, woolen cap.

~~F.E.~~ Fire Marshal, Fire Prevention Officers, Hazardous Material Officer/Deputy Chief:

Rubber boots, turnout coat, bunker pants with suspenders, helmet with eye protection and helmet shields, blue uniform work jacket, heavy-duty rubbers, work gloves, woolen caps, hard hats, coveralls or overalls and a jumpsuit.

~~G.E.~~ EMS Director, Training Officer/Deputy Chief:

Rubber boots, turnout coat, bunker pants with suspenders, helmet with eye protection and helmet shields, blue uniform work jacket, rubbers, work gloves, woolen caps, and Nomex hood.

AWP PLU JR
City L1363

(8.)p31 **Section 15.3 – Dress Uniform – Firefighters**

The City shall provide to all firefighters hired prior to July 1, 2001, excluding those firefighters listed in Section 15.1, subsection (F) the following clothing:

~~One (1) blue blouse~~

~~One (1) blue pair of trousers (except Fire Prevention Officers)~~

~~One (1) white long-sleeve shirt with department patch and rank insignia where applicable in lieu of receiving three (3) sets of station uniforms from July 1, 2000 through June 30, 2001, issued on a one (1) time basis for that contract year.~~

AWF PLU JR
City L1363

(9.)p.32 **Section 15.4 – Clothing Maintenance Allowance**

The City agrees to provide each member of the Department with the sum of one thousand hundred (\$1000.00) dollars per year for cleaning, maintenance, and upkeep of said station and dress uniforms and work attire, said sum to be paid in quarterly (1/4) installments commencing July 1 of each year. ~~Effective July 1, 2008, said amount shall be increased to one thousand one hundred (\$1100.00) dollars per year.~~

~~Each member will waive the final clothing maintenance payment (\$275.00) for contract year July 1, 2008 to June 30, 2009.~~

Effective July 1, 2009, said amount shall be increased to one thousand two hundred (\$1200.00) dollars per year. The above-listed cleaning, maintenance and upkeep allowance shall not apply to civilian employees.

Effective July 1, 2015, said amount shall be increased to one thousand and three hundred (\$1300.00) dollars per year.

AWF PLU JR
City L1363

(10.)p34 **Section 16 - Sick Leave**

D. Sick Leave on Retirement

2. Upon retirement in good standing from City employment, after at least twenty (20) years of employment in the City, an employee may elect to be paid for, or take as furlough, one-half (1/2) of unused accrued sick leave time, up to a maximum of eighty (80) days. Any member who purchases military time afforded under Section 24-10 of this agreement must work a minimum of twenty (20) years to be eligible for the above benefit.

AWP PLUJR
City L1363

(11.)p41 **Section 19 - Salaries And Longevity**

A. Salaries for all members of the Fire Department covered by this Agreement shall be as set forth in Appendix A hereto, which is incorporated herein by reference, which shall include the following increases:

June 30, 2012	3%,	January 1, 2013	2%,	June 30, 2013	1%
<u>January 1, 2014</u>		<u>Two (2%) percent (civillan bargaining unit members only)</u>			
<u>January 1, 2015</u>		<u>One and one-half (1.5%) percent</u>			
<u>June 30, 2015</u>		<u>One and one-half (1.5%) percent</u>			
<u>January 1, 2016</u>		<u>Two (2%) percent</u>			
<u>June 30, 2016</u>		<u>One (1%) percent</u>			

AWP PLUJR
City L1363

(12.)p46 and 47 **Section 21 - Medical Insurance, Dental Insurance, Life Insurance and Burial Expenses**

A. Blue Cross/Blue Shield

8. Effective ~~July 1, 2013~~ ~~July 1, 2010~~, the following on-site co-pays shall apply:

a) Office visits and Urgent care or "Urgi-care" facilities - ~~Ten~~
~~(\$10.00) dollars~~ \$5.00

B. United Health

4. Effective ~~July 1, 2013~~ ~~July 1, 2010~~, the following on-site co-pays shall apply:

a) Office visits and Urgent care or "Urgi-care" facilities - ~~Ten~~
~~(\$10.00) dollars~~ \$5.00

AWF PCVLR
City L1363

(13.)p55 **Section 21 - Medical Insurance, Dental Insurance, Life Insurance and Burial Expenses**

F. Retired Benefits:

18. Any member who retires with an occupational injury or illness that dies from said injury or illness 3 years from his/her retirement date shall be afforded the benefits under Sections 21 (C) and 21.4-2.(3) and a payment of (\$50,000) fifty thousand dollars shall be paid by the city to the designated beneficiary.

19. Other Post Employment Benefits

Effective July 1, 2013 all members shall pay a sum of eleven dollars and fifty-three (\$11.53) cents bi-weekly for a total of three hundred (\$300.00) dollars per year toward their

OPEB (Other Post Employment Benefits). The City agrees that they will place these monies in a restricted account toward post retirement benefits.

20. Health Care Co-pay in retirement

Any member retiring after July 1, 2013 shall pay the sum of twenty-five (\$25.00) dollars per month for a total of three hundred (\$300.00) dollars per year toward their healthcare benefit. The co-pay in retirement shall cease if the City discontinues the retirees healthcare for any reason.

AWF PLV JR
City L1363

(14.)p55-56 **Section 21.1- Health Savings Account (HSA)**

A. Family HSA

1. Effective January 1, 2014, the City shall contribute 55.8% of the deductible (\$2232) on behalf of member's private HSA. The employee may elect to contribute, by payroll deduction on a pre-tax basis, up to \$1768 per year for the family medical coverage. The employee may elect not to pay his share of the contribution toward the deductible. Once the City's contribution is exhausted, the employee shall be responsible for the remainder of the deductible before the City assumes any and all additional healthcare costs incurred consistent with the health plan offered in Section 21 above. This includes but is not limited to office visits, emergency room fees, prescription deductibles, etc. Once the deductible is met, the City offers 100% co-insurance.

B. Individual HSA

1. Effective January 1, 2014, the City shall contribute 55.8% of the deductible (\$1116) on behalf of the member to member's private HSA. The employee may elect to contribute, by payroll deduction on a pre-tax basis, up to \$884 per year for the individual medical coverage. The employee may elect not to pay his share of the contribution toward the deductible. Once the City's contribution is exhausted, the employee shall be responsible for the remainder of the deductible before the City assumes any and all additional healthcare costs incurred consistent

with the health plan offered in Section 21. This includes but is not limited to office visits, emergency room fees, prescription deductibles, etc. Once the deductible is met, the City offers 100% co-insurance.

AWP PLV JR
City L1363

B. City of Cranston Fire Fighter's Pension (Effective July 1, 2013)

All retired employees' pension payments will automatically escalate by three (3%) percent compounded on July 1 of each year.

All active duty employees when retired shall have their pension payments adjusted, if necessary, to pension payments received by retired employees participating in the 2013 Pension Adjustment Agreement of similar rank or position and similar credited years of service at the time of their retirement.

B. C. Optional State of Rhode Island Pension (Employees 5 or less years of service):

G. D. Optional State of Rhode Island Pension (Employees 5 or less years of service):

AWP PLV JR
City L1363

(15.)p.56

Section 21.4 2-- Dental Insurance

2. The maximum dollar (\$) amount on Levels I, II, III, and IV shall be ~~increased from one thousand two hundred (\$1,200.00) dollars to one thousand five hundred (\$1,500.00) dollars effective July 1, 2001, and two thousand~~

(\$2,000.00) dollars effective June 30, 2004. Effective January 1, 2015 the dollar amount shall increase to two thousand and five hundred (\$2500.00) dollars per level.

AWF
City
PLU-TR
L1363

(16.)p.27

Section 21.2.3- Life Insurance

- (b) All civilian employees covered by this agreement shall be entitled to receive fully paid life insurance in the amount of ~~seventy-five thousand (\$75,000.00)~~ fifty thousand (\$50,000.00) dollars with a beneficiary or beneficiaries to be designated by the civilian employee.
- (c) Effective July 1, 2002, All retired members (fire fighters and civilians) shall be allowed to purchase, by their date of retirement and at the member's expense, the dollar amount of life insurance provided to active members (fire fighters and civilians) at the same cost as paid for by the City. an additional \$25,000.00 to \$125,000.00 in life insurance at the following rates:

Age	Lives	Volume	Rate per 1,000	Monthly Premium	Annual Premium
<25	TBD	TBD	0.084	TBD	TBD
25-29	TBD	TBD	0.077	TBD	TBD
30-34	TBD	TBD	0.083	TBD	TBD
35-39	TBD	TBD	0.117	TBD	TBD
40-44	TBD	TBD	0.173	TBD	TBD
45-49	TBD	TBD	0.280	TBD	TBD
50-54	TBD	TBD	0.478	TBD	TBD
55-59	TBD	TBD	0.793	TBD	TBD

Age	Lives	Value	Rate per 1000	Monthly Premium	Annual Premium
60-64	TBD	TBD	1.263	TBD	TBD
65-69	TBD	TBD	1.933	TBD	TBD
70-74	TBD	TBD	3.193	TBD	TBD
75+	TBD	TBD	5.323	TBD	TBD
Total	TBD	TBD		TBD	TBD

AWF PLUJR
City L1363

(17.)p.59 **Section 21.3 4- Burial Insurance**

AWF PLUJR
City L1363

(18.)p.62-68 **Section 24 - Pensions**

A. City of Cranston Fire Fighter's Pension (Effective June 20, 1997)

11. Effective July 1, 1995, all employees who have served in the Armed Forces of the United States in an active duty capacity for a period of six months will be eligible to buy back up to four (4) years of military service at the rate of five (5%) percent of the weekly salary of six hundred and fifty-four dollars and forty cents (\$654.40) effective July 1, 1995, for a purchase price per year of one thousand seven hundred and one dollars and forty-four cents (\$1701.44) per year for prior active duty service. Any year served in the Armed Forces of the United States

over six (6) months in length shall equal one (1) credited year. These purchased active duty service years can be applied to an employee's credited years of service for pension purposes but will not exceed a pension payment based upon a maximum of thirty (30) credited years of service. Purchased active military service years shall be used for pension purposes only.

Effective July 1, 1995 All employees who have or will serve in the Armed Forces Reserves of the United States will be eligible to buy back up to four (4) years of military reserve service at the rate of five (5%) percent of the weekly salary of six hundred and fifty-four dollars and forty cents (\$654.40) ~~effective July 1,~~ for a purchase price per year of one thousand seven hundred and one dollars and forty-four cents (\$1,701.44) for reserve service. Four (4) years of service as a reservist in the Armed Forces of the United States will equal one (1) year of active military service. This purchased reserve duty service shall only be applied for pension purposes after the employee is eligible for the completion of service twenty (20) year pension. This restriction will not apply to any employee who retires because of a non-job related injury or illness. This purchased reserve duty service will not exceed a pension payment based upon a maximum of thirty (30) credited years of service. Purchased reserve military service shall be used for pension purposes only.

AWP PLU JR
City L1363

(19.)p.62-68 **Section 24 - Pensions**

B. City of Cranston Fire Fighter's Pension (Effective July 1, 2013)

All retired employees' pension payments will automatically escalate by three (3%) percent compounded on July 1 of each year.

All active duty employees when retired shall have their pension payments adjusted, if necessary, to pension payments received by retired employees participating in the 2013 Pension Adjustment Agreement of similar rank or position and similar credited years of service at the time of their retirement.

B. ~~C.~~ Optional State of Rhode Island Pension (Employees 5 or less years of service):

G. ~~D.~~ Optional State of Rhode Island Pension (Employees 5 or less years of service):

AWF PLU JR
City L1363

(20.)p.77 **Section 24.1 - Pension Payments**

Effective July 1, ~~4006,~~ 2013 pension contributions for employees of the City of Cranston Fire Fighters' pension will be ten and one-half (10.5%) percent of their weekly salary, longevity pay, holidays with the inclusion of longevity and holidays. Effective July 1, ~~4006,~~ 2013 pension contributions for employees of the State of Rhode Island optional twenty ~~five~~ (20) ~~(25)~~ year retirement on service allowance, R.I.G.L. 45-21.2-2 with modifications will be ~~eleven and one half (11.5%)~~ eleven (11%) percent of their weekly salary, longevity pay, and holidays with the inclusion of longevity and holidays.

AWF PLU JR
City L1363

(21.) p.85 **Section 32 - Members Assistance Program (MAP)**

The City recognizes Local 1363 as the administrator of the Fire Department's Members Assistance Program (formerly referred to as the Employees Assistance Program). The city will contribute the sum of ~~six thousand (\$6000.00)~~ five thousand (\$5000.00) dollars yearly, payable on July 1 of each year to the MAP. This money will be used for the MAP only, including but not limited to the certification and recertification of the MAP counselors.

AWF PLU JR
City L1363

(22.)p.85

Section 33 - Mechanics Certification:

Employees in the maintenance division will receive an increase in their hourly rate of pay for obtaining the following certifications:

Any Automotive Service Excellence (ASE) certifications associated with the Emergency Vehicle Technician course the members will receive ~~twenty (.20)~~ ~~ten (.10)~~ cents per hour. Upon receipt of each of the following certifications, Ambulance Technician and Fire Apparatus Technician, the member will receive an additional ~~fifty (.50)~~ ~~thirty (.30)~~ cents per hour.

AWF PLU JR
City L1363

(23.)p.86

Section 34 - Duration of Agreement

This Agreement is effective from ~~July 1, 2013~~ ~~July 1, 2014~~ and shall continue in full force and effect through midnight on ~~June 30, 2016~~ ~~June 30, 2013~~. If for any reason what so ever at the end of the term of this contract a new contract has not been agreed upon between Local 1363 (IAFF) and the City Of Cranston this contract will remain in effect until such time as a new contract is agreed upon.

AWF PLU JR
City L1363

(24.) Memorandum of Agreement

In the Event that the I.A.F.F. is successful in their Superior Court case and all appeals against the State of Rhode Island in relation to the state pension reforms, I.A.F.F. Local 1363 and the City of Cranston agree to negotiate and shall enter into negotiations to discuss modifying the members' pension benefits. including years of service, age of retirement and any other areas.

AWF PLU JR

Fire Department
Fiscal Note
FY14-16

	FY14	FY15	FY16	FY17	Total
Vacation Civilian Employees	0	0	0	0	0
Uniform Clothing Voucher	0	0	9,800	19,600	29,400
Clothing Maintenance Allowance	0	0	19,600	19,600	39,200
Salary	(122,312)	96,821	329,542	135,656	439,707
1% save 6/30/13					
2% 1/1/14 (Civilians only)					
1.5% 1/1/15					
1.5% 6/30/15					
2.0% 1/1/16					
1.0% 6/30/16					
Mechanic Certifications	20,000	20,000	20,000	20,000	80,000
Payroll Taxes	(244)	2,934	6,308	3,497	12,496
Medical insurance-OPEB contribution (Continues Into retirement-\$25/month)	(58,800)	(58,800)	(58,800)	(58,800)	(235,200)
Employee Assistance Program	1,000	1,000	1,000	1,000	4,000
Civilian Life Insurance Increase \$50,000-\$75,000	1,104	1,104	1,104	1,104	4,416
Health Care Design Plan Change OV & Urgi Care from \$5 to \$10	(20,000)	(20,000)	(20,000)	(20,000)	(80,000)
Delta Dental \$2,000 to \$2,500 limit	0	2,550	5,100	5,100	12,750
Total	<u>(179,251)</u>	<u>45,609</u>	<u>313,655</u>	<u>126,757</u>	<u>306,769</u>

7/15/2013

07-13-2

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON,
2005, ENTITLED 'ZONING' (CHANGE OF ZONE – 31 Poplar Drive and 43 Poplar Drive)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. That the Zoning Map accompanying and made a part of Chapter 17 of the Code of the City of Cranston, Rhode Island, 2005, entitled, "Zoning", as adopted January 24, 1966, as amended, is hereby further amended by deleting therefrom the following:

By deleting from A-8 Zoning District, Zoning Lot Nos. 743, 744, and 745 on Zoning Plat No. 10/3, located on the westerly side of Poplar Drive, Cranston, Rhode Island.

And by adding thereto the following:

Mixed Use Planned District (MPD) Zoning District, Zoning Lot Nos. 743, 744, and 745 on Zoning Plat No. 10/3, located on the westerly side of Poplar Drive, Cranston, Rhode Island.

and

By deleting from C-3 Zoning District, Zoning Lot No. 742 on Zoning Plat No. 10/3, located on the easterly side of Midway Road.

And by adding thereto the following:

Mixed Use Planned District (MPD) Zoning District, Zoning Lot No. 742 on Zoning Plat No. 10/3, located on the easterly side of Midway Road.

07-13-2

45 **Section 2.** The Overall District Plan, (attached as Exhibit "A") and the Narrative Outline
46 and Statement of Purpose (attached as Exhibit "B") are incorporated herein and made a part hereof.
47

48 **Section 3.** This ordinance shall take effect upon its final adoption.
49

50 Positive Endorsement: Negative Endorsement: (Attach reasons)
51

52	_____		_____	
53	Christopher M. Rawson	Date	Christopher M. Rawson	Date
54	City Solicitor		City Solicitor	

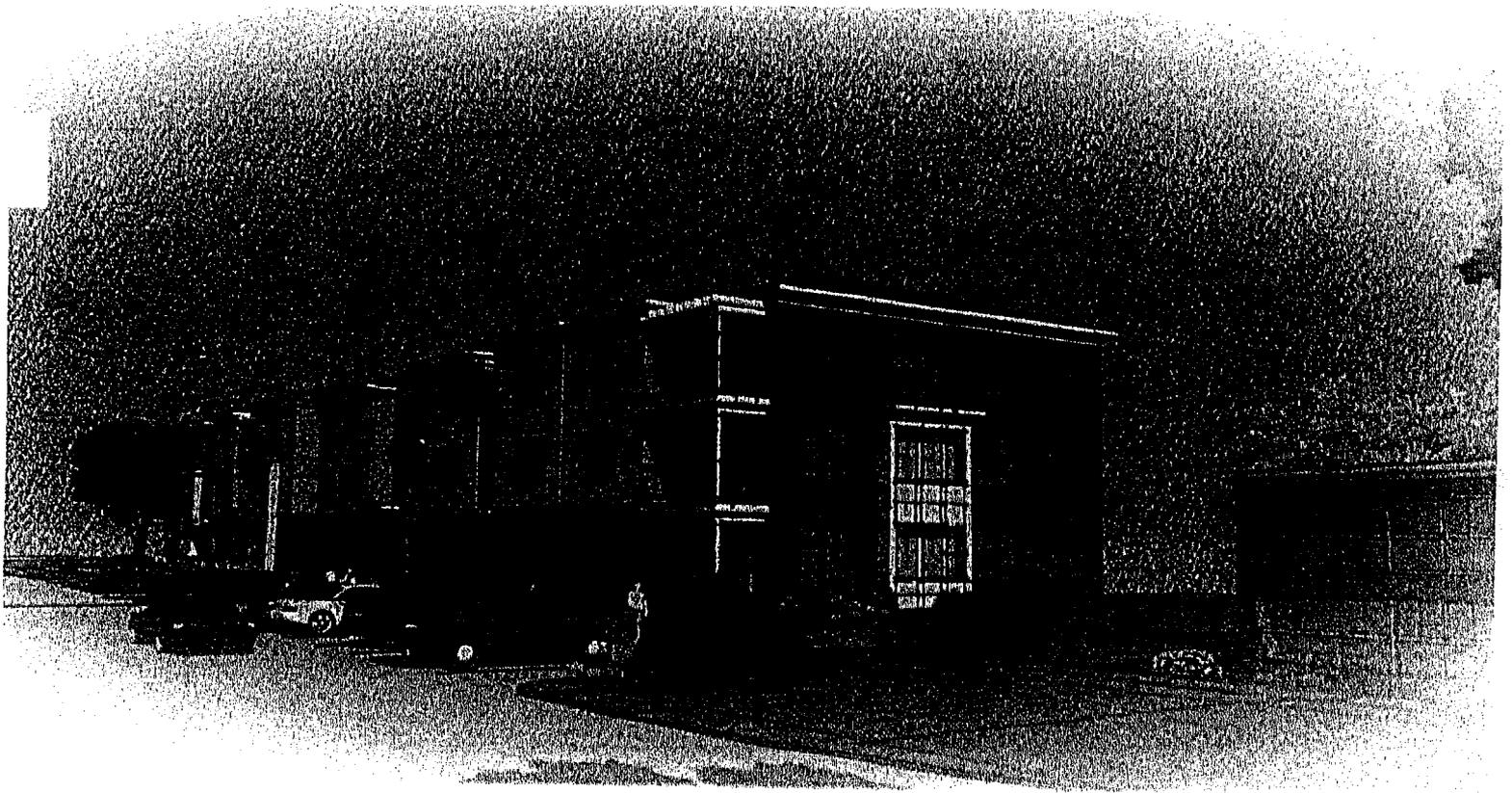
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58 Petition filed by St. Mark's Church Corporation
59
60 Referred to September 12, 2013 Ordinance Committee
61

EXHIBIT B

DEVELOPMENT PROPOSAL
PROJECT NARRATIVE & STATEMENT OF PURPOSE FOR
MIXED USE PLAN DEVELOPMENT (MPD)

St. Mark Church / Cranston Johnston Catholic Regional School Property
Midway Road & Poplar Drive
Cranston, RI

stmarkschoolredevelopment.com



Developer & Applicant:
D+P Real Estate & Truth Box Inc.

Owner:
St. Mark Church Corporation

July 16, 2013



Developers: D+P Real Estate & Truth Box Inc.

July 16, 2013

Members of the Cranston City Council
Cranston City Hall
869 Park Avenue
Cranston, Rhode Island 02910

RE: St. Mark Church Property / Cranston Johnston Catholic Regional School – Proposed MPD - Mixed Use Plan Development

Dear Members of the City Council,

We are pleased to introduce our vision for a proposed Mixed Use Plan Development (MPD) at the site of the former Cranston Johnston Catholic Regional School Property behind Garden City. Working in collaboration with the St. Mark Church, we have assembled a highly capable and experienced team for the proposed project with a strong commitment to the development of an engaging and inclusive re-use plan for the vacant school.

We feel this property offers a unique opportunity to develop a project that will "fill in a missing tooth" in fabric of the community while also becoming a model of appropriately scaled mixed use infill residential development. We have made every effort to craft a plan that will both integrate with the Garden City Center while also strengthening the buffer with the adjoining residential neighborhood.

Our proposal includes the renovation and adaptive reuse of the existing school building for 20 residential units. Additionally, we propose the construction of 32 new apartment units on the Garden City side of the site along Midway Road. The proposed new units would include underground parking and elevator access to all three floors of the building. We envision this as the ideal living environment for existing residents looking to downsize to single level living while also looking to take advantage of the amenities of Garden City right at their front door.

We hope that you find our development vision compelling and in keeping with the high quality improvements underway in the neighborhood. Across all the work that we do, we have a demonstrated commitment to sustainability, energy efficiency, and community sensitive development. Our proposed project would combine environmentally conscious building materials and energy efficiency with high quality traditional design.

Prior to this submission we have hosted a neighborhood meeting at the Cranston Library where we had the opportunity to present our vision to the neighbors and take advice and input as we finalized our proposal as presented in the following summary.

We look forward to a continued dialogue with the City of Cranston as well as the local neighbors and abutters. Should you have any questions, please feel free to contact me or our attorney Robert Murray directly.

Sincerely,



Jordan Durham
D+P Real Estate

Developers: D+P Real Estate & Truth Box Inc.

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Developers: D+P Real Estate & Truth Box Inc.

Development Team

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Developers: D+P Real Estate & Truth Box Inc.

Project Overview & Background

A Unique Community Development Opportunity

D+P Real Estate and Truth Box Inc. (the "Developers") are pleased to introduce to the Cranston City Council and the local community preliminary plans for an exciting new development project that will preserve and rehabilitate an abandoned community landmark that has become increasingly at risk of demolition. Additionally, the proposed project will strengthen the community connection to the Garden City Center and serve as a model of sustainable, green development and smart growth principles.

The proposal as described herein would include a rezoning of the St. Marks campus/ CJCR school property through the Mixed Use Planned District zoning process.

Background

The Cranston-Johnston Catholic Regional School building (formerly known as St. Mark School) at 43 Poplar Drive behind Garden City has sat vacant since 2009 when the new Immaculate Conception Catholic Regional School opened at 235 Garden Hills Drive. Like many small neighborhood school buildings of its era across Rhode Island, the building is outdated and does not meet the needs of a modern academic environment.

The surplus school property, which is privately owned by the St. Mark Church, has been identified by the City of Cranston as a key site for redevelopment in the comprehensive plan. Due to its location directly between the Garden City Center and an established residential neighborhood, the property offers a unique opportunity for redevelopment in a manner that can serve as a model of sustainable, 'Smart Growth' development. A well conceived redevelopment plan can truly complement the ongoing repositioning of Garden City Center and also serve as an appropriate transition between the intense commercial and retail use of the mall and the adjoining residential neighborhood.

The St. Mark Church campus is approximately 4.1 Acres of land in total. More than half the land area is comprised of the former school building and the former gymnasium (connected to the classroom wing by a small one story 'breezeway'. Additionally, the campus includes the church, parish office, and rectory buildings which all remain in active use with a strong base of parishioners.

With no need for the school building as part of its long term plan for the campus, St. Mark Church elected to solicit a buyer who could take on the large job of redeveloping the school site. Over the past few months, the church finalized an 'administrative subdivision' of the property which allows them to convey the former school and the parking / playground area to a third party for redevelopment.

The newly created parcel for redevelopment encompasses just under two (2) Acres of land and includes the former school building (the class room wing) and the large paved area that fronts along Midway Road at the back of Garden City. The gymnasium building is going to be retained by the church for future renovations and community oriented use.

As Developers, we have worked with St. Mark Church and the Diocese to develop a vision for an appropriate redevelopment plan for the site which would incorporate new housing into the existing church campus creating a unique mixed use zone including market rate residential use on the campus with church and religious uses. Additionally, the proposed development would integrate seamlessly with the larger Mixed Use context of the area including the mall and restaurants as well as the residential homes.

Developers: D+P Real Estate & Truth Box Inc.

Design & Development Vision

A Design that Respects Neighborhood Context

The proposed redevelopment project would integrate 52 units of market rate housing into the existing St. Mark's campus while preserving the existing landscape buffers that separate the large institutional school building from the adjoining single family residential neighborhood.

Proposed Development Program Summary

Existing School:	Conversion to 20 Residences - (16) – 1-Bedrooms & (4) – 2-Bedrooms 24,000 Gross SF of residential Average 1 Bedroom Units – 850 SF; Average 2 Bedroom Units – 1,250 SF
New Construction:	32 Residences – (11) 1-Bedrooms & (21) 2-Bedrooms 40,000 Gross SF of New Multifamily Residential Average 1 Bedroom Units – 775 SF; Average 2 Bedroom Units – 1,175 SF
Total:	52 Total Residences: (27) 1-Bedrooms & (25) 2-Bedrooms 64,000 Gross SF of Multifamily Residential
Parking:	34 Garage Parking Spaces under the New Building <u>59 Surface Parking Spaces</u> 93 Total Parking Spaces (1.73 Per Unit)

Phase I: The Restoration of the School Building

The historic school building will be renovated and restored to accommodate 20 units of residential living within the existing building. The exterior of the building will be restored, but will not be altered significantly or expanded: the brick will be re-pointed, the windows will be replaced with more 'residential' new energy efficient units, and the entries will be made more attractive and inviting. Additionally, we plan to install a decorative cornice along the roofline to make the flat roof building appear less 'institutional'.

Phase II: New, 'Green', Residences at Garden City

Fronting along Midway Road (at the back of Garden City), a new 3 story building is proposed using the most advanced 'Green' design principles. Located directly across the street from Garden City, residents will be able to walk out the door and have all the local restaurants and shops just steps away. The new building will have 32 residential units including elevator access to all levels and a secure underground parking garage below the building. Due to the existing topography and grading of the site (the existing paved area is approximately 5' lower than Midway Road), the site lends itself very naturally to the construction of an integrated under building parking garage.

The existing surface parking along Midway Road could potentially be preserved while improving its aesthetic appeal with landscaping, brick sidewalks, historic style street lamps and street trees. A crosswalk would be added connecting the site with Garden City to make a better pedestrian connection between the shopping area and the neighborhood. Along Cypress Drive the large old-growth trees would be retained and additional landscaping improvements would bring a lush, attractive entrance to the neighborhood when entering at Midway Road from Sockanosett Cross Road.

Developers: D+P Real Estate & Truth Box Inc.

Community Outreach

In May of 2013, prior to submission of any formal development applications, we hosted a community outreach meeting at the Cranston Public Library. We went door to door and introduced our plans to the neighborhood and made a more formal presentation the following week to a group of interested neighbors and abutters.

We took the feedback that we received from the neighbors and made some adjustments and improvements to our proposed design:

- We have improved the traffic and parking circulation on the site.
- We have done more to create an architectural consistency across all the buildings on the site.
- We have integrated more architectural features that are reminiscent of the local neighborhood including brick and clapboard siding.

We are committed to continuing to work with the local residents and engaging the community as we move forward with more detailed development plans. We strongly believe that development outcomes are improved when there is an open dialogue between the developer and neighbors. To ensure that local residents are kept up to date, we have established a website that we will continue to use to post project updates and to solicit feedback from our neighbors.

The community outreach website can be seen at:
www.stmarkschoolredevelopment.com

St. Mark School Redevelopment - Project Information Forum

Home

Proposal

Gallery

FAQ

Project Team

Community Forum

Contact



First Community Informational Meeting -
 Wednesday, 5/29/2013
 05/22/2013

0 Comments

**GARDEN CITY / ST. MARK SCHOOL
 - REDEVELOPMENT PROPOSAL**
 Community Informational Meeting
 Time: 6:00 PM, Wednesday May 29, 2013
 Cranston Public Library - Sockanosset
 140 Sockanosset Cross Road
 Cranston, RI 02920

'Community Forum'

This section of this web site has been set up by the development team to keep the neighborhood and local residents informed as the project plans progress and to ensure that everyone is aware of the schedule for public meetings and hearings.

Developers: D+P Real Estate & Truth Box Inc.

Proposal Highlights & Community Benefits

a. **Redevelopment of a Landmark Vacant Property for Productive Use**

The proposed development will rehabilitate a vacant and underutilized property and turn it into an attractive, productive, asset that will fit seamlessly into the existing neighborhood context.

b. **Introduction of a Housing Type to Serve an Aging Population**

We believe that the proposed housing will be a highly attractive living option for existing residents of Cranston that want to remain in the community and downsize to an apartment style home offering single level living, garage parking, and upscale finishes and amenities – all steps away from the shops and services of Garden City.

c. **'Smart Growth' Location Taking Advantage of Existing Services**

We identified this location for development of new housing because it is uniquely located adjoining an existing developed center and amenity that offers shops and services all within walking distance. Residents can live, work, shop, and play all without getting in the car. This is the new model of Smart Growth development that we believe should be encouraged. Rather than building new homes in rural parts of town that lack the infrastructure and municipal services, we believe in finding selective locations that are appropriate for moderate density development such as this.

d. **Improved Pedestrian Connection and Safety**

The infill of the vacant lot at Midway Road behind Garden City and the addition of new pedestrian cross walk, attractive street lamps, and signage will drastically improve the pedestrian safety along this roadway and will improve the connection to the mall for all the residents that live in the Garden City neighborhood.

e. **Seeking First LEED Certified Residential Development in Cranston**

We are committed to developing this project as a truly sustainable addition to the Cranston community landscape. We are intending to design and build the project in accordance with LEED standards (the US Green Building Council's Leadership in Energy & Environmental Design Standards). This would be the first residential project in Cranston to achieve this designation.

f. **Improve the Buffer between Intense Commercial Area & Single Family Residential**

The proposed development of multifamily housing at this site will serve as a very natural and appropriate buffer between the intense commercial use of Garden City and the established residential neighborhood that adjoins it.

g. **Put an Exempt Property on the Tax Rolls**

The proposed development plan will put this currently tax exempt property back to productive use and turn it into a highly valuable taxable property to produce tax revenue for the City of Cranston. Additionally, we project there will be little to no increase in school age children based on the proposed use - the homes proposed are composed entirely of one bedroom and two bedroom units with more than 50% one bedrooms.

Developers: D+P Real Estate & Truth Box Inc.

Neighborhood Context & Photographs

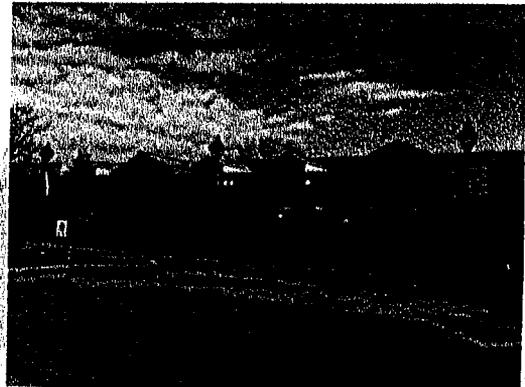
The proposed development site bounded by a distinctive mix of uses that were all laid out and planned by a single owner with a master vision of creating a planned mixed use community. Surrounding uses include residential homes, apartment style living, and a unique shopping anchor. The proposed development site was part of the original mixed use vision - offering residents a place to worship at the hub of the community.

To the west is the Garden City Center – a 500,000 SF open-air shopping mall including a mix of national and local restaurants, retailers, and businesses. To the east is a single-family residential neighborhood comprised of homes of that were mostly constructed after World War II – many of them before the mall was constructed. To the north, is the Garden City Apartments – a multifamily housing development consisting of 94 apartments that was constructed around the same time as the other adjoining properties.

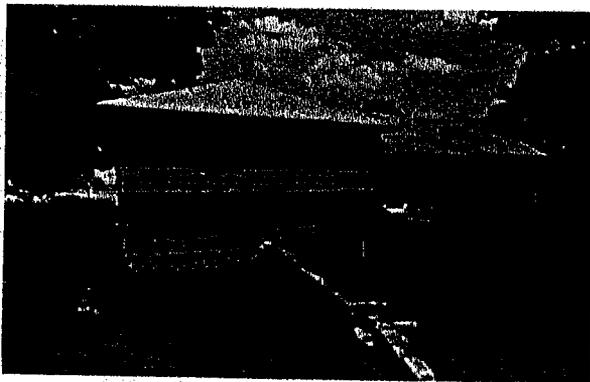
The following pictures provide a snapshot of the mix of uses existing in the direct vicinity of the proposed development.



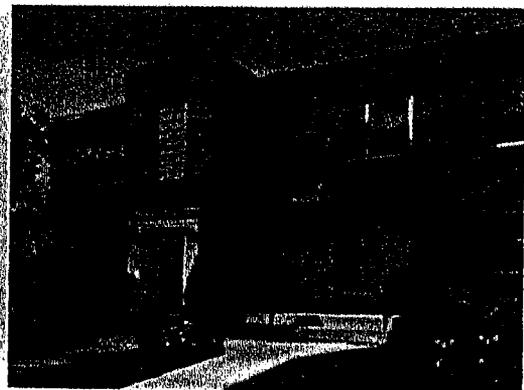
Office / Retail Building (Jos. A Banks) - Across from Site



Shops at Garden City Center



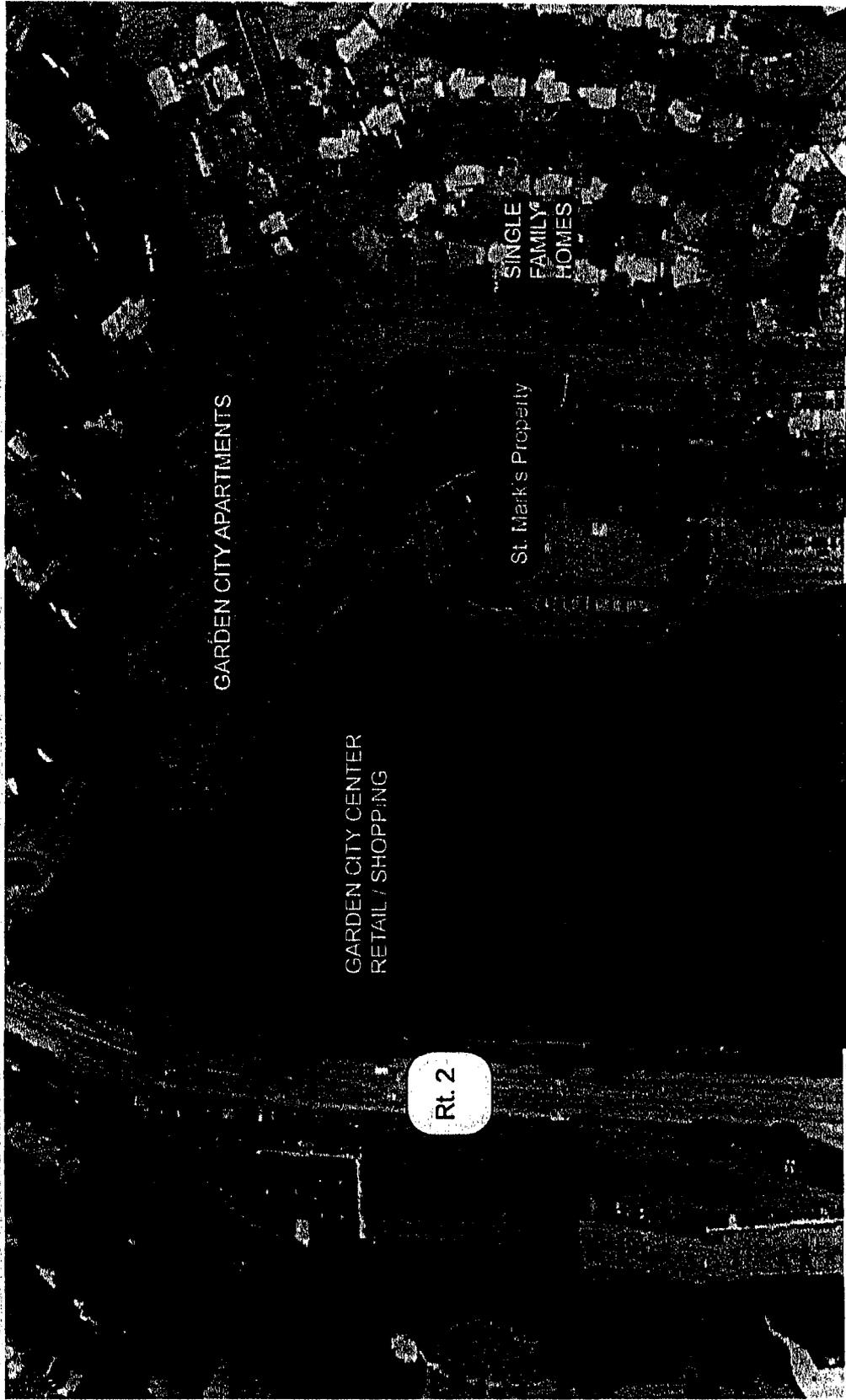
Single Family Home along Poplar Drive – Across from site



Garden City Apartments – Multifamily Accross from Site

Developers: D+P Real Estate & Truth Box Inc.

Context Map



Developers: D+P Real Estate & Truth Box Inc.

Existing Site Buildings

The St. Mark Church Campus includes the following four (4) existing Buildings:

The Church of St. Mark – The St. Mark Church is a Roman Catholic parish and is located in the Diocese of Providence. St. Mark Church has 1,800 registered families (4,100 individual parishioners.)

The Parish Office – Located along Poplar drive, the Parish office is a two story building and includes meeting space and office uses.

The Rectory – Located along Midway Road, the rectory is home to Rev. Anthony W. Verdelotti, Pastor.

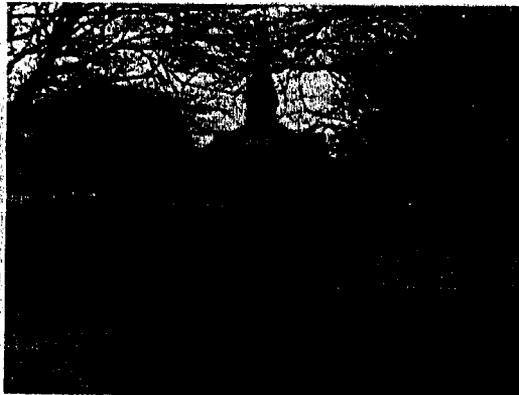
The Cranston Johnston Catholic Regional School Building – This was the former parochial school and included two 'wings'. The classroom wing to the south included classrooms, lockers, and restrooms; and the Gymnasium wing included a large gymnasium with full size basketball court.



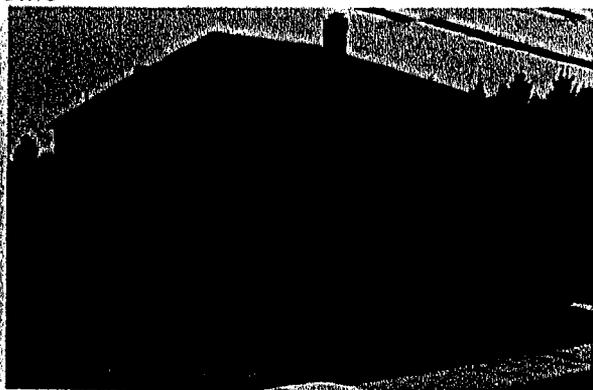
The Parish Office – Poplar Drive



The School & Gymnasium – Existing Entrance at Poplar Drive



Church of St. Mark – From Garden City Drive



The Rectory – Midway Road

Developers: D+P Real Estate & Truth Box Inc.

Existing Conditions Photographs

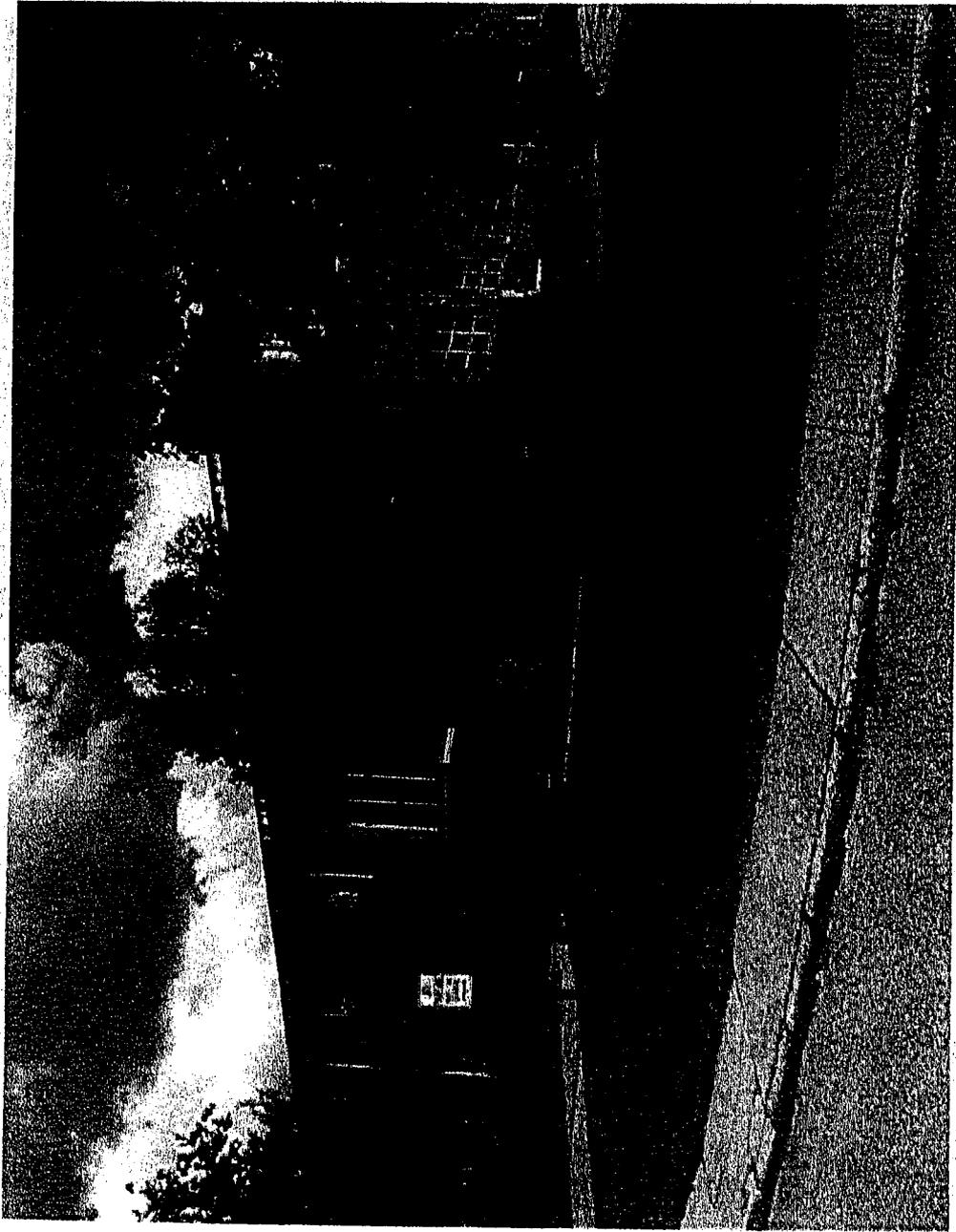


View of parking lot behind Garden City – Area proposed for new building.

Mixed Use Plan Development Proposal | St. Mark Church Property | Cranston, RI

Developers: D+P Real Estate & Truth Box Inc.

Existing Conditions Photographs Continued.



View of School Building Proposed for Residential Conversion

Mixed Use Plan Development Proposal | St. Mark Church Property | Cranston, RI

Developers: D+P Real Estate & Truth Box Inc.

Existing & Proposed Development Program & Land Use Allocation

Existing Use Allocation at St. Marks Campus:

Building	Use	Building Size	Land Area	Land Allocation
The Church	Church / Religious	7,582 SF	34,857 SF (.80 Acres)	19.6%
The Parish Office	Office / Religious	9,237 SF	20,374 SF (.47 Acres)	11.5%
Rectory	Residential / Religious	3,888 SF	19,488 SF (.45 Acres)	11.0%
The School / Gym	Vacant / School	45,000 SF	102,802 SF (2.4 Acres)	57.9%
TOTAL	MIXED	65,707 SF	177,911 SF¹ (4.1 Acres)	100.0 %

Existing Floor Area Ratio (FAR): .37 (65,707 SF of Building / 177,911 SF of Land)

Proposed Use Allocation:

Building	Use	Building Size	Land Area	Land Allocation
RELIGIOUS / CHURCH USES:				
The Church	Church / Religious	7,582 SF	95,534 SF (2.2 Acres)	53.8%
The Parish Office	Office / Religious	9,237 SF		
Rectory	Residential / Religious	3,888 SF		
The Gymnasium	Religious / TBD	20,000 SF		
PROPOSED MULTI-FAMILY USE:				
The School Building (Class Room Wing)	Residential / 20 units	24,000 SF	Located on one newly created lot.	46.2%
New Residential Building	Residential / 32 Units	40,000 SF	81,987 SF (1.9 Acres)	
TOTAL	MIXED	104,707 SF	177,911 SF (4.1 Acres)	100.0 %

Proposed Floor Area Ratio (FAR): .59 (104,707 SF of Building / 177,911 SF of Land)

¹ Total Area is based on surveyed land area; Land Use allocations based on tax assessor data – minor discrepancy between two totals due to Assessor data rounding.

Developers: D+P Real Estate & Truth Box Inc.

Zoning Analysis

The St. Mark's Church property is presently comprised of two zoning districts under Cranston Zoning Ordinance. The easterly portion of the property along Poplar Drive is zoned Residential A-8 which is intended primarily for the use of single family dwellings on a minimum lot size of 8,000 square feet. The westerly portion of the St. Mark's Church property is zoned Commercial C-3 intended primarily for the use as general business.

Both the A-8 and C-3 zones are proposed to be changed to a Mixed Use Planned District (MPD).

Listed below are various sections of the Cranston Zoning Code relating to the Mixed Use Planned District Ordinance and the Schedule of Intensity Regulations governing this site.

17.96.080-Minimum area

Planned districts may be established on parcels of land suitable to such development and shall contain a minimum of 5 acres for exclusive residential use or 10 acres for mixed uses. As the Overall Development Plan demonstrates, this is a project that will combine the church and related buildings with the introduction of a multi-family dwelling component.

The Owner/Applicant requests that the City Council and Planning Commission waive this requirement for the Mixed Use Planned District and allow a smaller parcel containing 4.1 acres because of the unique character of this long standing site which serves as a buffer between the Garden City Center and the single family residential Garden City neighborhood.

17.100.020-Development Standards

A. Frontage and setbacks.

The required front yard setback in an A-8 Zone is 25 feet. In a C-3 Zone, the front yard setback is 0 feet. The existing church buildings including the former school building meet the required front setback requirements. The proposed multi-family building to be built in the C-3 Zoning District will meet the front setback requirement for the C-3 Zone. The rear property line for the proposed new multi-family building is depicted at 14 feet where in the C-3 zone set back is required of 20 feet. Accordingly, a waiver is requested for the 6 feet.

Please note that there will still remain a substantial distance between the existing and remaining gymnasium in the new building. There will be 33 feet of separation between the existing gymnasium and multi-family building instead of 40 feet.

B. Maximum Coverage.

The maximum coverage for all Mixed Use Planned Districts shall be 60%. The lot coverage provided in the Overall District Plan is 50%.

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C. Building Height.

Both the A-8 and C-3 Zoning Districts provide a maximum building height limitation of 35 feet. The former existing school building meets the height requirements for the underlying districts.

However, the new multi-family dwelling building to be constructed along Midway Road includes three levels of living space above a covered parking garage area. The average building height from grade to roof line is approximately 37 feet or 2 feet above the maximum building height of 35 feet. The garage level is constructed as a 'walkout basement' level to work with the existing topography. Accordingly, because of the unique character of the topography of the site, the added benefit of creating garage parking in lieu of surface parking, and the belief that the height limitation is restrictive, a total building height of not to exceed 48 feet is requested including the pitched roof.

F. Buffers.

All applications for Mixed Use Planned Districts zoning shall show on the site plan, a 50 foot buffer strip at the perimeter of the property.

Because of the existing buildings on the St. Mark's Church property, a 50 foot buffer strip cannot be achieved. The existing school building is planned for renovation and reuse in the Overall District Plan and, therefore, a waiver is requested for the existing school building as well as the new multi-family dwelling. The requirement of 50 foot buffer strip on the perimeter of the property along Midway Road is inconsistent with the zero setback line allowed for buildings in the existing C-3 Zoning District.

The goals of creating a harmonious and integrated development with the Garden City Center and the residential neighborhood can be achieved without requiring the 50 foot buffer and, accordingly, the Owner/Applicant request a waiver of this requirement.

G. Landscaping.

Because of the multiple buildings already existing on site, no extensive changes to existing landscaping are planned in the vicinity of the Church properties.

However, in the areas of the new multi-family building and the former school building, appropriate new landscaping will be provided.

If the Overall District Plan and Master Plan is approved through the City Council and Planning Commission, detailed landscaping plans will be provided at the time of the review by the Development Plan Review Committee.

H. Parking and Loading.

The Cranston Zoning Code sets forth requirements for the various uses identified on the proposed Mixed Use Planned District. Historically, the off street parking needs of St. Mark's Church has been met by the ample off-street parking available in and around the church property. Extensive on-street parking is available along Poplar Drive, Midway Road, and Garden Court. Admittedly, parishioners of St. Mark's Church have, on occasion, utilized nearby parking areas of the Garden City Center for church services, which generally occur when the mall is closed.

The off-street parking requirements for the multi-family dwelling units can be substantially met under the proposed Overall District Plan.

As detailed, the two buildings will comprise a total of 52 units. Those units are broken down as 27 one bedroom units and 25 two bedroom units. Under the Cranston Zoning Code, such uses call for a total

Developers: D+P Real Estate & Truth Box Inc.

of 104 spaces (2 per unit). The proposed parking demonstrated on the Overall District Plan for the multi-family component of the Mixed Use Planned District shows 93 parking spaces or approximately 1.78 spaces per unit. One bedroom units in most cases will typically not require 2 parking spaces per unit – the Applicant feels that the parking proposed is more than adequate to service the new development.

The parking analysis on the Overall District Plan indicates the approximate number of parking spaces that the church, church office and rectory require. Between the available on site parking and the abundance of off street parking in and around the church, the applicant believes that the parking as identified in the Overall District Plan should be approved.

The existing parking along Midway Road is proposed to be preserved and used for the multi-family use even though vehicles can not leave in a forward motion and must back out.

It should be noted that there are substantial differences between the uses being a church and multi-family dwelling units. Each have different parking schedules between them and should not pose any difficulty with respect to providing parking for the intended uses.

I. Signage.

Existing signage on site for the church and related buildings will remain as presently constituted – the signage marking the Cranston Johnston Catholic Regional School building will be removed.

The total sign area for the A-8 Residential Zone is as little as 8 square feet and in the C-3 General Business District, the total sign area shall not exceed 200 square feet.

The applicant anticipates a minimal amount of signage for identification purposes for the redeveloped school building and the new multi-family building.

The Mixed Use Planned District is comprised of frontage on four streets, that includes Poplar Drive, Cypress Drive, Midway Road, and Garden Court. While the signage has not yet been designed for the multi-family dwelling units, it is anticipated that it will be composed of monument, building marker, and/or wall signs primarily to indicate address and identification for way-finding, fire, emergency, & postal purposes.

To service the multifamily use, the applicant seeks approval for a combination of monument sign, building marker, and wall signs not to exceed the 200 square feet of area allowed under the C-3 zone.

Developers: D+P Real Estate & Truth Box Inc.

Development Impact Statement

Sustainable Design

We have planned the proposed development to be a model of environmentally sustainable, "Smart Growth" investment. We have made every effort to minimize negative environmental impacts – which is a core philosophy of our business model. We intend to utilize low impact site development strategies such as rain gardens, permeable paving, and local drought tolerant plantings and landscaping to manage storm water on site. We will EXCEED local DEM regulations regarding storm water management and design.



We are also planning the project to be one of the most energy efficient multifamily buildings in the State of Rhode Island – built to surpass energy star standards and achieve LEED Certification. The proposed project will be a model of sustainable development practices.

Utilities & Infrastructure

Sustainability starts with site selection – we will receive LEED points for choosing to develop a site that is serviced by both pedestrian amenities such as shopping and services as well as all the required utility infrastructure. The proposed development would be served by existing sewer, water, and roadway infrastructure. All public utilities are available at the site, and at this time we do not anticipate any negative infrastructure impacts to be associated with the proposed development plan. Our development strategy for this site is to take advantage of existing infrastructure and capacity to service the proposed development in lieu of seeking to develop in outlying, more rural parts of town.

Traffic Impacts

The site is serviced by public roadways that can accommodate the high peak traffic demands associated with Garden City and other neighborhood retail uses. Additionally there are multiple points of entry and discharge to major thoroughfares allowing site traffic to be dispersed adequately. The traffic impacts associated with our proposed plan are expected to be minimal – the expected traffic volumes to be generated at peak travel times will be less than the prior use of the property as a school which generated traffic congestion associated with drop off and pick up times.

We also expect that a large proportion of the residents at the development will be retired and/or seniors – a population segment that generates less peak trip volumes since they are not typically working 9-5.

With two primary entrances, our site design allows for local dispersion of traffic flows to minimize impact on any one entry or exit point. The proposed 20 units that would be constructed in the existing school building would be the only units that would enter or exit from the residential side of the neighborhood along Poplar Drive. Poplar Drive also has a unique 100' right of way that buffers the traffic on Poplar from the neighboring homes who share a secondary access on the other side of the right of way – separated by trees and public parking.

The proposed 32 units to be constructed along Midway Road would have their site entrance at the back of Garden City and would have easy access to both 95 / 295 / or Route 2 along Midway Road or Garden City without traveling directly through any residential neighborhoods.

Developers: D+P Real Estate & Truth Box Inc.

Fiscal Impacts

We expect project that the proposed project will provide an economic benefit to the City of Cranston and will not negatively impact the school budget, property taxes, or other city services.

- The school property is currently tax exempt - there are no real estate taxes currently paid by St. Mark Church on the property. After completion of the development at full build out, we will pay the City of Cranston estimated real estate taxes of approximately \$100,000 per year.
- The project will also generate direct economic benefits to the City beyond positive real estate tax revenue. During construction, the project will bring approximately \$7.0 Million dollars in local construction jobs and direct spending in Cranston;
- By shopping and spending at the shops right outside their door, the residents of our proposed development will help solidify and support the ongoing rejuvenation of Garden City, bringing additional life and vitality to this treasured local asset.
- We do not expect that there will be any school age children living at our proposed development. The proposed living units are primarily composed of 1 Bedrooms (over 50%) with the balance being 2 Bedrooms. There are no 3 or 4 Bedroom units proposed (which is what most families with children are looking for). Additionally our primary target buyers based on our market surveys are empty nesters who will appreciate the ability to 'age in place' with an elevator, garage parking, and shops and services in close walking distance.
- As a private building with no new public roadways, we will provide all our own services including snow removal, trash removal, and landscaping – there will be no cost impact on the City for providing these basic services.

Environmental

GZA Environmental Inc. has conducted an environmental site assessment of the former school property in order to assess the risks and hazards associated with redevelopment of the site. As is typical of schools and older municipal buildings constructed in the 1950's and 1960's, there are Asbestos Containing Materials (ACM) in the school which will need to be remediated. The first phase of our proposed redevelopment plan for the school property includes the remediation and proper disposal of all the ACM in strict accordance with RI Dept of Health Regulations.

Fire & Safety

The proposed development will bring the existing school building up to current fire codes adding full sprinkler protection, which it currently does not have. Additionally, the newly proposed multifamily building will incorporate all the latest fire, safety, and indoor air quality protections including automatic sprinklers, alarm, and mechanical fresh air circulation. The proposed site design will also provide a more accessible route for fire trucks and equipment to move through the site representing an overall net improvement in the fire and public safety of the site.

Signage

We have not yet determined our proposed signage plans for the property, however we fully intend to design the signage to be discreet and tasteful – recognizing that residential abutters will not want commercial style signage introduced into the neighborhood. We do not anticipate proposing any backlit signage; our signage will consist of the required safety and site directional signage and tasteful building address markers located near the entrances and in accordance with Fire and Safety requirements.

Developers: D+P Real Estate & Truth Box Inc.

Developer Overview

The development proposed herein is a joint venture of two established and respected developers committed to the thoughtful and sustainable redevelopment of underutilized properties.

Peter Gill Case of Truth Box Inc. and Jordan Durham of D+P Real Estate have successfully collaborated on numerous projects over the last five years. As a team, we have significant proven capacity in executing innovative restorations and truly 'green' projects locally in Rhode Island.

Peter Gill Case

Peter has built an architecture and development practice based on the broad definition of sustainable design. From retrofitting large-scale mill buildings to turning foreclosed three family homes into green affordable housing to building new structures with renewable and reusable materials, a passion for earth-friendly design and development has been the core of the work. In turn, the work has borne out the hypothesis that conscientious design enhances the balance sheet of any real estate venture.

Peter serves as President of the Rockefeller Family Fund, a leading advocate for reducing the sources of climate change and advancing economic justice for women in the US. Also locally, Peter serves as President of The Steel Yard - a young arts-centered organization that provides space, resources and opportunity for artists to develop skills in the arts and metalworking trades. The Steel Yard is building a sustainable campus on a newly remediated 3-acre brown field site in Providence.

Peter received his Masters in Architecture from the Rhode Island School of Design, his Bachelor of Arts degree from Brown University in Urban Studies, and he also holds a Masters in Education from Harvard University.

RI Architect registration 2860
Principal, Truth Box, Inc. 2002-present

Jordan M. Durham

Jordan is a real estate developer, designer, and builder with a uniquely comprehensive approach to executing real estate projects and investments. Jordan has spent his entire career working in the real estate development and construction business and has accumulated diverse experience in virtually every real estate asset class including urban development, office, multi-family, senior housing, hotel / destination resorts, land development, and homebuilding. He has managed projects across New England including the structuring and placement of over \$100 Million in real estate financing including private and institutional equity, mezzanine and subordinate bond financing, and senior construction, acquisition, and development loans.

Jordan founded D+P Real Estate in 2006 and since that time he has focused on the execution of complex projects, especially those involving sustainable design, urban infill, adaptive reuse and affordable housing.

Jordan earned his Master in Urban Planning Degree with a concentration in Real Estate and Urban Development from the Graduate School of Design at Harvard University. He received his BA in Sociology and Economics from Skidmore College in Saratoga Springs, NY where he was inducted into Phi Beta Kappa. He is a member of the Urban Land Institute (ULI) and North East Sustainable Energy Association (NESEA) and is actively involved in community planning on the East Side of Providence where he lives with his wife and son.

Developers: D+P Real Estate & Truth Box Inc.

Summary of Developer Project Experience

Truth Box and D+P Real Estate

As development partners, Truth Box Inc. and D+P Real Estate have successfully collaborated on a variety of real estate investment and development ventures in the Providence area over the last five years. From large historic mill renovations to cutting-edge new construction, from revived foreclosed 3-family homes to stable downtown commercial properties, we have successfully developed a broad range of building types. Currently we own and manage a portfolio of both commercial, mixed use, and residential properties in the Providence market.

In most cases, our work has garnered awards, from historic preservation to high quality design. In our industry, our work is recognized as much for well-managed construction and tight budget control as it is for the quality of the finished product of each property.



Behind all of our projects is our commitment to green building practices. Through an integrated design and development platform, we have developed a track record for delivering buildings that outperform similar buildings for the same construction costs. The link between superior energy efficiency, healthy and comfortable interiors and the use of renewable and recyclable materials with increased occupancy rates and improved return on investment has become the cornerstone of our business model.

Current and Past Projects by the Developers Include:

- **Multiple Historic Renovations / Residential Conversions, Rhode Island** Some of the larger projects past and present include the Bayley Street Lofts in Pawtucket (40,000 SF), the Monohasset Mill in Providence (63,000 SF). Both of these projects utilized the RI state historic tax credits. Recently, 62 Orange St. in downtown Providence (6,000 SF) was completed using federal historic tax credits.
- **The Box Office, Providence RI** Made from recycled shipping containers, the Box Office has attracted international attention as a creative approach to sustainable development. This 12,000 SF building was completed during a depressed market with private funds as an example of the impact cost-conscious green building can have in even the worst of economic times. It has been filled nearly to capacity since it opened.
- **Infill Green Housing, Providence, RI** Across 3 sites in Providence, we are developing a series of super high efficiency infill residential and mixed use projects on small vacant and abandoned land sites.
- **Scattered Site Affordable Housing, Rhode Island** We have recently completed a series of scattered site affordable housing developments in Providence and West Warwick, RI totaling 12 units of new construction and rehab. Each building has surpassed Rhode Island Housing expectations for energy efficiency, cost per square foot, and level of finishes. All the homes achieved the highest rating of energy star possible.

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF CHAPTER 17.04.030 OF THE CODE OF THE CITY OF
CRANSTON, 2005, ENTITLED "ZONING"
'DEFINITIONS'

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 17.04.030 of the Code of the City of Cranston, 2005, entitled "Definitions" is hereby amended as follows:

(AREA OF SHALLOW FLOODING (for a community with AO or AH Zones only):
A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.)

(BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the 100-year flood, as published by the FEMA as part of a FIS and depicted on a FIRM.)

(BASE FLOOD ELEVATION (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.)

(COST: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate based on an established cost estimating guide. The estimate shall *include*, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and

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51 utility meters; labor; built-in appliances; demolition and site preparation; repairs made to
52 damaged parts of the building worked on at the same time; contractor's overhead;
53 contractor's profit; and grand total. Items to be *excluded* include: cost of plans and
54 specifications, survey costs, permit fees, outside improvements such as septic systems,
55 water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and
56 detached structures such as garages, sheds, and gazebos.)

57
58 **(CRITICAL FACILITY:** Those facilities for which even a slight chance of flooding
59 could endanger public safety. Critical facilities include the following categories:
60

- 61 • Structures or facilities that produce, use or store highly volatile, flammable,
62 explosive, toxic and/or water-reactive materials;
- 63 • Hospitals, nursing homes and housing likely to contain occupants who may not be
64 sufficiently mobile to avoid death or injury during a flood;
- 65 • Police stations, fire stations, vehicle and equipment storage facilities and
66 emergency operations centers that are needed for flood response activities before,
67 during and after a flood and
- 68 • Public and private utility facilities that are vital to maintaining or restoring normal
69 services to flood areas before, during and after a flood.)
70

71 **(DRY FLOODPROOFING:** Any combination of structural and non-structural
72 protection measures incorporated in a building that is not elevated above the Flood
73 Protection Elevation that keeps water from entering the building to prevent or minimize
74 flood damage. **Note:** For insurance purposes, a dry floodproofed, non-residential
75 structure is rated based on the elevation of its lowest floor unless it is floodproofed to one
76 foot above the BFE.)
77

78 **(ELEVATION CERTIFICATE:** A statement certified by a registered professional
79 engineer [RPE] or professional land surveyor [PLS] on the FEMA approved form in
80 effect at the time of certification that verifies a structure's elevation and other related
81 information to verify compliance with this ordinance.)
82

83 **(FINISHED LIVING SPACE** [for use with Chapter 17.76 Flood Hazard Districts only]
84 : Fully enclosed areas below the base flood elevation that are not considered a basement
85 cannot have finished living space and needs to be designed to be exposed to flood forces.
86 These spaces can only be used for parking, building access or limited storage. Finished
87 living space can include, but is not limited to, a space that is heated and/or cooled,
88 contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or
89 may not be painted or wallpapered, and other amenities such as furniture, appliances,
90 bathrooms, fireplaces and other items that are easily damaged by floodwaters and
91 expensive to clean, repair or replace.)
92

93 **(FLOOD BOUNDARY AND FLOODWAY MAP (FBFM):** The official map of a
94 community on which FEMA has delineated the limits of the regulatory floodway and
95 100-year floodplain.)
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(FLOOD INSURANCE RATE MAP (FIRM): The official map of a community on which FEMA has delineated both SFHAs (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRMs published after January 1990 may also show the limits of the regulatory floodway.)

(FLOOD INSURANCE STUDY (FIS): The official study of a community in which FEMA has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The FIRM, which accompanies the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.)

(FLOODPLAINS OR FLOOD HAZARD AREA: As defined in RIGL Section 45-22.2-4. An area that has one percent or greater chance of inundation in any given year, as delineated by the federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 U.S.C. 4011 et seq.]

(FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.)

(FLOODPROOFING CERTIFICATE: A certification by a RPE or a registered architect on a FEMA approved form, in effect at the time of certification, stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.)

(FLOOD PROTECTION ELEVATION (FPE): The BFE plus freeboard as required under the Rhode Island State Building Code at any given location in the floodplain. (Also see: Freeboard.)

(FREEBOARD: An increment of elevation added to the base flood elevation, usually expressed in feet above the BFE, to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.)

(HIGHEST ADJACENT GRADE (HAG) (only for community with AO/AH zones): The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.)

(LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement).)

(MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: A parcel or contiguous parcels of land divided into 2 or more manufactured home lots for rent or sale.)

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- 149 **(MANUFACTURED HOME PARK OR MANUFACTURED HOME**
 150 **SUBDIVISION, EXISTING** [for use with Chapter 17.76 Flood Hazard Districts only]:
 151 A manufactured home park or manufactured home subdivision for which the construction
 152 of facilities for servicing the lots on which the manufactured home are to be affixed
 153 (including, as a minimum, the installation of utilities, the construction of streets, and
 154 either final site grading or the pouring of concrete pads) is completed before the effective
 155 date of the floodplain management regulations adopted by a community.)
 156
- 157 **(MANUFACTURED HOME PARK OR EXISTING MANUFACTURED HOME**
 158 **SUBDIVISION, EXPANSION TO AN EXISTING** [for use with Chapter 17.76 Flood
 159 Hazard Districts only]: The preparation of additional sites by the construction of facilities
 160 for servicing the lots on which the manufacturing homes are to be affixed (including the
 161 installation of utilities, the construction of streets, and either final site grading or the
 162 pouring of concrete pads.)
 163
- 164 **(MANUFACTURED HOME PARK OR MANUFACTURED HOME**
 165 **SUBDIVISION, NEW** [for use with Chapter 17.76 Flood Hazard Districts only]: A
 166 manufactured home park or manufactured home subdivision for which the construction
 167 of facilities for servicing the lots on which the manufactured homes are to be affixed
 168 (including at a minimum, the installation of utilities, the construction of streets, and either
 169 final site grading or the pouring of concrete pads) is completed on or after the effective
 170 date of floodplain regulations adopted by the community.)
 171
- 172 **(MARKET VALUE:** Market value is the price of a structure that a willing buyer and
 173 seller agree upon. This can be determined by an independent appraisal by a professional
 174 appraiser; the property's tax assessment, minus land value; the replacement cost minus
 175 depreciation of the structure and/or the structure's Actual Cash Value.)
 176
- 177 **(MEAN SEA LEVEL (MSL):** Average height of the sea for all stages of the tide,
 178 usually determined from hourly height observations over a 19-year period on an open
 179 coast or in adjacent waters having free access to the sea. The National Geodetic Vertical
 180 Datum (NGVD) of 1929, North American Vertical Datum (NAVD) 1988 (or other datum
 181 where specified) to which base flood elevations shown on a community Flood Insurance
 182 Rate Map (FIRM) are referenced.)
 183
- 184 **(NEW CONSTRUCTION** [for use with Chapter 17.76 Flood Hazard Districts only]:
 185 Structures for which the "start of construction" commenced on or after effective date of
 186 floodplain regulations, and includes any subsequent improvements to such structures.)
 187
- 188 **(SHEET FLOW AREA** (for community with AO, AH, or VO Zones only): see
 189 definition for "Area of Shallow Flooding".)
 190
- 191 **(SPECIAL FLOOD HAZARD AREA (SFHA):** The land in the floodplain within a
 192 community subject to a one percent or greater chance of flooding in any given year.
 193 SFHAs are determined utilizing BFEs provided on the flood profiles in the FIS for a
 194 community. BFEs provided on a FIRM are only approximate (rounded up or down) and
 195 should be verified with the BFEs published in the FIS for a specific location. SFHAs
 196 include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO,
 197 AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM.
 198 The SFHA is also called the Area of Special Flood Hazard.)

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 200 **(START OF CONSTRUCTION** [for use with Chapter 17.76 Flood Hazard Districts
 201 only] : For other than new construction or substantial improvements under the Coastal
 202 Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the
 203 date the building permit was issued, provided the actual start of construction, repair,
 204 reconstruction, rehabilitation, addition placement, substantial improvement or other
 205 improvement was within one hundred and eighty (180) days of the permit date. The
 206 actual start means either the first placement of permanent construction of a structure on a
 207 site, such as the pouring of slab or footings, the installation of piles, the construction of
 208 columns, or any work beyond the stage of excavation, or the placement of a
 209 manufactured home on a foundation. Permanent construction does not include land
 210 preparation, such as clearing, grading and filling; nor does it include the installation of
 211 streets and/or walkways; nor does it include excavation for a basement, footings, piers, or
 212 foundations or the erections of temporary forms; does not include the installation on the
 213 property of accessory buildings, such as garages or sheds not occupied as dwelling units
 214 or not part of the main structure. For a substantial improvement, the actual start of
 215 construction means the first alteration of any wall, ceiling, floor, or other structural part
 216 of a building, whether or not that alteration affects the external dimensions of the
 217 building.

218
 219 **(STRUCTURE** [for use with Chapter 17.76 Flood Hazard Districts only]: A walled and
 220 roofed building which is principally above ground, including a manufactured home, a gas
 221 or liquid storage tank, or other man-made facilities or infrastructures.)

222
 223 **(SUBSTANTIAL DAMAGE** [for use with Chapter 17.76 Flood Hazard Districts only]:
 224 Damage of any origin sustained by a structure, whereby the cost of restoring the structure
 225 to its pre-damaged condition would equal or exceed 50 percent of the market value of the
 226 structure before the damage occurred.)

227
 228 **(SUBSTANTIAL IMPROVEMENT** [for use with Chapter 17.76 Flood Hazard
 229 Districts only]: Any combination of repairs, reconstruction, rehabilitation, alterations,
 230 additions or other improvements to a structure, taking place during a five (5) year period,
 231 in which the cumulative cost equals or exceeds fifty percent of the market value of the
 232 structure as determined at the beginning of such 5 year period. This term includes
 233 structures that have incurred “substantial damage”, regardless of the actual repair work
 234 performed. For purposes of this definition, “substantial improvement” is considered to
 235 occur when the first alteration of any wall, ceiling, floor, or other structural part of the
 236 building commences, whether or not that alteration affects the external dimensions of the
 237 structure. The term does not, however, include either: (1) Any project for improvement

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 241 of a structure to correct existing violations of state or local health, sanitary, or safety code
 242 specifications which have been identified by the local code enforcement official and
 243 which are the minimum necessary to assure safe living conditions; or (2) Any alteration
 244 of a “historic” structure, provided that the alteration will not preclude the structure’s
 245 continued designation as a “historic structure”.)

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- 249
- 250 **ADDED SECTION, UNDERLINED**
- 251 **To insert in alphabetical order new definitions to Section 17.04.030 Definitions of**
- 252 **Title 17 of the City Code of Ordinances the following definitions: Section 17.16**
- 253 **SPECIAL FLOOD HAZARD DISTRICTS of Title 17 of the City Code of**
- 254 **Ordinances as follows:**
- 255
- 256 **A Zone: see "Zone A"**
- 257
- 258 **Addition [for use with Chapter 17.76 Flood Hazard Districts only]: A walled and roofed**
- 259 **expansion to the perimeter of a structure in which the expansion is connected by a**
- 260 **common load-bearing wall other than a firewall. A walled and roofed expansion, which is**
- 261 **connected by a firewall or is separated by independent perimeter load-bearing walls, shall**
- 262 **be treated as new construction.**
- 263
- 264 **Appeal [for use with Chapter 17.76 Flood Hazard Districts only]: A request to the**
- 265 **Zoning Board of Review to review the Inspector of Buildings' interpretation of any**
- 266 **provision of this Chapter or a request for a variance.**
- 267
- 268 **Area of Shallow Flooding : A designated AO, AH, AR/AO, AR/AH, or VO zone on a**
- 269 **community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of**
- 270 **flooding to an average depth of 1' to 3' where a clearly defined channel does not exist,**
- 271 **where the path of flooding is unpredictable, and where velocity flow may be evident.**
- 272 **Such flooding is characterized by ponding or sheet flow.**
- 273
- 274 **B Zone: See "Zone B."**
- 275
- 276 **Base Flood: The flood having a 1% chance of being equaled or exceeded in any given**
- 277 **year, also known as the "100-year" or "1% chance" flood, as published by FEMA as part**
- 278 **of a FIS and depicted on a FIRM.**
- 279
- 280 **Base Flood Elevation (BFE): The elevation of the crest of the base flood or 100-year**
- 281 **flood. The height, as established in relation to the North American Vertical Datum**
- 282 **(NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected**
- 283 **to be reached by the waters of the base flood at pertinent points in the floodplains of**
- 284 **coastal and riverine areas.**
- 285
- 286 **Breakaway Wall: A wall that is not part of the structural support of a building and is**
- 287 **intended to collapse under specific lateral loading forces without causing damage to the**
- 288 **supporting foundation system of the building.**
- 289
- 290 **Building: See definition for "Structure".**
- 291
- 292 **Coastal A Zone – Area within a special flood hazard area, landward of a V Zone or**
- 293 **landward of an open coast without mapped V Zones. The principal source of flooding**
- 294 **must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding.**
- 295 **During the base flood conditions, the potential for breaking wave heights shall be greater**
- 296 **than or equal to 1.5 feet.**
- 297

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298 **Cost:** As related to substantial improvements, the cost of any reconstruction,
 299 rehabilitation, _____ addition, alteration, repair or other improvement of a structure
 300 established by a detailed written contractor's estimate. The estimate shall *include*, but
 301 not be limited to: the cost of materials (interior finishing elements, structural elements,
 302 utility and service equipment); sales tax on materials, building equipment and fixtures,
 303 including heating and air conditioning and utility meters; labor; built-in appliances;
 304 demolition and site preparation; repairs made to damaged parts of the building worked on
 305 at the same time and contractor's overhead and profit. Items to be *excluded* include: cost
 306 of plans and specifications, survey costs, permit fees, outside improvements such as
 307 septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation
 308 systems, and detached structures such as garages, sheds, and gazebos.

309
 310 **Critical Facility:** A structure or other improvement that; because of its function, size,
 311 service area, or uniqueness; has the potential to cause serious bodily harm, extensive
 312 property damage, or disruption of vital socioeconomic activities if it is destroyed or
 313 damaged or if its functionality is impaired. Critical facilities include the following
 314 categories:

- 315 • Structures or facilities that produce, use or store highly volatile, flammable,
 316 explosive, toxic and/or water-reactive materials.
- 317 • Hospitals, nursing homes and housing likely to contain occupants who may not be
 318 sufficiently mobile to avoid death or injury during a flood.
- 319 • Police and fire stations, vehicle and equipment storage facilities, and emergency
 320 operations centers that are needed for flood response activities before, during and
 321 after a flood.
- 322 • Utility facilities that are vital to maintaining or restoring normal services to flood
 323 areas before, during and after a flood.
- 324 • Facilities which, if flooded, would cause loss of irreplaceable public records.

325
 326 **Design Flood Elevation (DFE):** With the exception of critical facilities, the DFE shall be
 327 as defined in the Rhode Island State Building Code (As established under Rhode Island
 328 General Law § 23-27.3). For critical facilities, the DFE shall be the elevation of the 500-
 329 year flood plus 2' of freeboard.

330
 331 **Development** [for use with Chapter 17.76 Flood Hazard Districts only]: Any man-made
 332 change to improved or unimproved real estate, including but not limited to the
 333 construction of buildings or other structures, mining, dredging, filling, grading, paving,
 334 excavation or drilling operations or storage of equipment or materials.

335
 336 **Dry Floodproofing:** Any combination of structural and non-structural protection
 337 measures _____ incorporated in a building that is not elevated above the Design Flood
 338 Elevation [DFE] that keeps water from entering the building in order to prevent or
 339 minimize flood damage. [For insurance purposes, a dry floodproofed, non-residential
 340 structure is rated based on the elevation of its lowest floor unless it is floodproofed to 1'
 341 above the BFE.

342
 343 **Elevated Structure:** A non-basement structure built to have the lowest floor elevated
 344 above ground level by means of fill, solid foundation perimeter walls, piling, columns
 345 (post and piers), shear walls, or breakaway walls. (See freeboard requirements for
 346 residential and non-residential structures.)

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- 348 **Elevation Certificate:** A statement certified by a registered professional engineer [RPE]
 349 or professional land surveyor [PLS], on the FEMA approved form, which verifies a
 350 structure's elevation and other related information needed to verify compliance with this
 351 Chapter.
 352
- 353 **Enclosure:** That portion of a structure below the Base Flood Elevation (BFE) used solely
 354 for parking of vehicles, limited storage, or access to the structure.
 355
- 356 **Encroachment:** The physical advance or infringement of uses, plant growth, or
 357 development into a floodplain.
 358
- 359 **Existing Construction** [for use with Chapter 17.76 Flood Hazard Districts only]: Any
 360 structure for which the start of construction commenced before November 27, 1974.
 361
- 362 **Existing Manufactured Home Park or Manufactured Home Subdivision** [for use
 363 with Chapter 17.76 Flood Hazard Districts only]: A manufactured home park or
 364 subdivision for which the construction of facilities for servicing the lots on which the
 365 manufactured home are to be affixed (including, as a minimum, the installation of
 366 utilities, the construction of streets, and either final site grading or the pouring of concrete
 367 pads) was completed before November 27, 1974.
 368
- 369 **Expansion to an Existing Manufactured Home Park or Existing Manufactured**
 370 **Home Subdivision** [for use with Chapter 17.76 Flood Hazard Districts only]: The
 371 preparation of additional sites by the construction of facilities for servicing the lots on
 372 which the manufacturing homes are to be affixed (including the installation of utilities,
 373 the construction of streets, and either final site grading or the pouring of concrete pads).
 374
- 375 **Five-hundred Year Flood (500-year flood):** The flood that has a 0.2 percent chance of
 376 being equaled or exceeded in any given year.
 377
- 378 **Flood Insurance Rate Map (FIRM):** The official map of a community on which the
 379 Federal Insurance Administrator has delineated both the special hazard areas and the risk
 380 premium zones applicable to the community. A FIRM that has been made available
 381 digitally is called a Digital Flood Insurance Rate Map (DFIRM).
 382
- 383 **Flood Insurance Study (FIS):** The official report for a community published by FEMA
 384 in conjunction with the community's Flood Insurance Rate Map. The study contains a
 385 technical engineering evaluation and determination of local flood hazards, flood profiles
 386 and water surface elevations.
 387
- 388 **Floodplain:** That land typically adjacent to a body of water with ground surface
 389 elevations that are inundated by the base flood.
 390
- 391 **Flood Proofing** – Any combination of structural and non-structural additions, changes,
 392 or adjustments to structures which reduce or eliminate flood damage to real estate or
 393 improved real property, water and sanitary facilities, structures and their contents.
 394
- 395 **Floodproofing Certificate:** A certification by a RPE or a registered architect, on a
 396 FEMA approved form, stating that a non-residential structure, together with attendant
 397 utilities and sanitary facilities is watertight to a specified design elevation with walls that

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398 are substantially impermeable to the passage of water and all structural components are
 399 capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of
 400 buoyancy and anticipated debris impact forces.

401
 402 **Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes
 403 of floodplain management. "Freeboard" tends to compensate for the many unknown
 404 factors that could contribute to flood heights greater than the height calculated for a
 405 selected size flood and floodway conditions, such as wave action, bridge openings, and
 406 the hydrological effect of urbanization of the watershed.

407
 408 **Highest Adjacent Grade (HAG):**The highest natural elevation of the ground surface
 409 prior to construction next to the proposed walls of a structure.

410
 411 **Limit of Moderate Wave Action (LimWA):**An advisory line indicating the limit of the
 412 1.5-foot wave height during the base flood.

413
 414 **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An
 415 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building
 416 access or storage in an area other than a basement area is not considered a building's
 417 lowest floor; *Provided*, that such enclosure is not built so as to render the structure in
 418 violation of the applicable non-elevation design requirements of § 60.3.

419
 420 **Manufactured (Mobile) Home:** A structure, transportable in one or more sections,
 421 which is built on a permanent chassis and is designed for use with or without a permanent
 422 foundation when attached to the required utilities. The term "manufactured home" does
 423 not include a "recreational vehicle".

424
 425 **Manufactured Home Park or Manufactured Home Subdivision** [for use with Chapter
 426 17.76 Flood Hazard Districts only]: A parcel or contiguous parcels of land divided into
 427 two (2) or more manufactured home lots for rent or sale.

428
 429 **Market Value:** Market value is the price of a structure that a willing buyer and seller
 430 agree upon. This can be determined by an independent appraisal by a professional
 431 appraiser; the property's tax assessment, minus land value; the replacement cost minus
 432 depreciation of the structure and/or the structure's Actual Cash Value.

433
 434 **Mean Sea Level (MSL):** Average height of the sea for all stages of the tide, usually
 435 determined from hourly height observations over a 19-year period on an open coast or in
 436 adjacent waters having free access to the sea. North American Vertical Datum (NAVD)
 437 1988 to which base flood elevations shown on a community Flood Insurance Rate Map
 438 (FIRM) are referenced.

439
 440 **New Construction** [for use with Chapter 17.76 Flood Hazard Districts only]: Structures
 441 for which the "start of construction" commenced on or after November 27, 1974, the
 442 effective date of Chapter 17.16. For floodplain management purposes, new construction
 443 means structures for which the start of construction commenced on or after the effective
 444 date of a floodplain management regulation adopted by a community and includes any
 445 subsequent improvements to such structures.

446

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- 447 **New Manufactured Home Park or Manufactured Home Subdivision** [for use with
 448 Chapter 17.76 Flood Hazard Districts only]: A manufactured home park or manufactured
 449 home subdivision for which the construction of facilities for servicing the lots on which
 450 the manufactured homes are to be affixed (including at a minimum, the installation of
 451 utilities, the construction of streets, and either final site grading or the pouring of concrete
 452 pads) was completed on or after November 27, 1974, the effective date of Chapter 17.16.
 453
- 454 **Obstruction**: Includes, but is not limited to, any dam, wall, wharf, embankment, levee,
 455 dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert,
 456 building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in,
 457 along, across or projecting into any watercourse which may alter, impede, retard or
 458 change the direction and/or velocity of the flow of water, or due to its location, its
 459 propensity to snare or collect debris carried by the flow of water, or its likelihood of
 460 being carried downstream.
 461
- 462 **Regulatory Floodplain**: see definition Special Flood Hazard Area (SFHA)
 463
- 464 **Sheet Flow**: See definition for “Area of Shallow Flooding”.
 465
- 466 **Special Flood Hazard Area (SFHA)** – The land in the floodplain within a community
 467 subject to a one (1) percent or greater chance of flooding in any given year. After
 468 detailed ratemaking has been completed in preparation for publication of the flood
 469 insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99,
 470 AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. For purposes
 471 of these regulations, the term “special flood hazard area” is synonymous in meaning with
 472 the phrase “area of special flood hazard”.
 473
- 474 **Start of Construction** [for use with Chapter 17.76 Flood Hazard Districts only]: For
 475 other than new construction or substantial improvements under the Coastal Barrier
 476 Resources Act (P.L. 97-348), includes substantial improvement and means the date the
 477 building permit was issued, provided the actual start of construction, repair,
 478 reconstruction, rehabilitation, addition placement, substantial improvement or other
 479 improvement was within one hundred and eighty (180) days of the permit date. The
 480 actual start means either the first placement of permanent construction of a structure on a
 481 site, such as the pouring of slab or footings, the installation of piles, the construction of
 482 columns, or any work beyond the stage of excavation, or the placement of a
 483 manufactured home on a foundation. Permanent construction does not include land
 484 preparation, such as clearing, grading and filling; nor does it include the installation of
 485 streets and/or walkways; nor does it include excavation for a basement, footings, piers, or
 486 foundations or the erections of temporary forms; does not include the installation on the
 487 property of accessory buildings, such as garages or sheds not occupied as dwelling units
 488 or not part of the main structure. For a substantial improvement, the actual start of
 489 construction means the first alteration of any wall, ceiling, floor, or other structural part
 490 of a building, whether or not that alteration affects the external dimensions of the
 491 building.
 492
- 493 **Structure** [for use with Chapter 17.76 Flood Hazard Districts only]: For floodplain
 494 management purposes, a walled and roofed building, including a gas or liquid storage
 495 tank, that is principally above ground, as well as a manufactured home.
 496 For insurance purposes, means:

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- 497 1. A building with two or more outside rigid walls and a fully secured roof, that is
 498 affixed to a permanent site;
 499 2. A manufactured home (“a manufactured home,” also know as a mobile home, is
 500 a structure; built on permanent chassis, transported to its site in one or more
 501 sections, and affixed to a permanent foundation); or
 502 3. A travel trailer without wheels, built on a chassis and affixed to a permanent
 503 foundation, that is regulated under the community’s floodplain management and
 504 building ordinances or laws.

505 For the latter purpose, “structure” does not mean recreational vehicle or a park trailer or
 506 other similar vehicle, except as described in paragraph (3) of this definition, or a gas or
 507 liquid storage tank.

508
 509 **Substantial Damage** [for use with Chapter 17.76 Flood Hazard Districts only]: Damage
 510 of any origin sustained by a structure whereby the cumulative percentage of damage
 511 during a 5 year period equals or exceeds fifty percent (50%) of the market value of the
 512 structure before the damage occurred.

513
 514 **Substantial Improvement** [for use with Chapter 17.76 Flood Hazard Districts only]:
 515 Any reconstruction, rehabilitation, addition or other improvements to a structure, taking
 516 place during a five (5) year period, the cost of which equals or exceeds 50 percent of the
 517 market value of the structure before the “start of construction” of the improvement. This
 518 term includes structures which have incurred “substantial damage”, regardless of the
 519 actual repair work performed. The term does not, however, include:

- 520
 521 1. Any project to correct existing violations of state or local health, sanitary, or
 522 safety code specifications which have been identified by the local code
 523 enforcement official and which are the minimum necessary to assure safe living
 524 conditions or
 525 2. Any alteration of the “historic structure”, provided that the alteration will not
 526 preclude the structure’s continued designation as a “historic structure”.

527
 528 **UTILITIES [For Structures]**: plumbing, mechanical and electrical equipment including
 529 pipng, wiring, fixtures, and other accessories which provide sanitation, lighting, heating,
 530 ventilation, cooling, refrigeration and fire-fighting facilities essential for the habitable
 531 occupancy of a building or structure for its designated use and occupancy. Utilities
 532 include but are not limited to furnaces, boilers, air conditioning compressors, air and
 533 heating ducts, water supply pipes electric, gas and water meters, control panels, electrical
 534 wiring, and gas pipes.

535
 536 **Variance** [for use with Chapter 17.76 Flood Hazard Districts only]: A grant of relief by a
 537 community from the terms of the floodplain management ordinance that allows
 538 construction in a manner otherwise prohibited and where specific enforcement would
 539 result in unnecessary hardship.

540
 541 **WATERCOURSE**: A lake, river, creek, stream, wash, channel or other topographic
 542 feature on or over which waters flow at least periodically. Watercourse includes
 543 specifically designated areas in which substantial flood damage may occur.

544
 545 **Zone A**: The Special Flood Hazard Area (except coastal V Zones) shown on a
 546 community’s

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547 Flood Insurance Rate Map. There are seven types of A Zones:

548

549 A: SFHA where no base flood elevation is provided.

550

551 AE: SFHA where base flood elevations are provided. AE-Zone delineations are used
552 on newer FIRMs instead of A# Zones.

553

554 AO: SFHA with sheet flow, ponding, or shallow flooding. Base flood depths (feet
555 above grade) are provided.

556

557 AH: Shallow flooding SFHA. Base flood elevations in relation to a national datum
558 are
559 provided.

560

561 AR: A temporary designation for an area where a flood control system that no longer
562 provides protection from the base flood is expected to be improved so it will provide
563 protection to the base flood again in the future. This zone is considered part of the
564 Special Flood Hazard Area or "regulatory floodplain," but properties in this zone do
565 not
566 receive the "in SFHA" CRS premium discount (see Table 110-1).

567

568

569 Zone V: The Special Flood Hazard Area subject to coastal high hazard flooding. There
570 are
571 three types of V Zones: V, V#, and VE, and they correspond to the A-Zone designations.

572

573 Zone X: Newer Flood Insurance Rate Maps show Zones B and C (see above) as Zone X.
574 The shaded Zone X corresponds to a Zone B and the unshaded Zone X corresponds to a
575 Zone C.

576

577 **Section 2.** This Ordinance shall take effect upon its final adoption.

578

579 Positive Endorsement

Negative Endorsement (attach reasons)

580

581

582 _____ Date Christopher Rawson, Solicitor _____ Date

583

584

585 Sponsored by: Allan W. Fung, Mayor

586

587 Referred to: Ordinance Committee August 15, 2013

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF CHAPTER 17.16 OF TITLE 17 OF THE CODE OF THE
CITY OF CRANSTON, ENTITLED "ZONING"
(Special Flood Hazard Districts)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 17.16 of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning – Special Flood Hazard Districts" is hereby amended by deleting it in its entirety and substituting thereto the following new Chapter:

CHAPTER 17.16 SPECIAL FLOOD HAZARD DISTRICTS

17.16.10 FINDINGS OF FACT

- A. Special Flood Hazard Areas (SFHA's) are subject to periodic flooding which can result in loss of life and property; create health and safety hazards; disrupt commerce and governmental services; require extraordinary public expenditures for flood protection and relief and impair the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. Flood losses are caused by the cumulative effect of unregulated development in SHFA's which cause increased flood heights and velocities and by the occupancy by uses vulnerable to floods which are inadequately elevated, flood-proofed, or otherwise protected from flood damages.

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48 C. The review of development in SFHA's to insure compliance with the requirements set
 49 by this Chapter will reduce financial burdens to the City and prevent future
 50 displacement and suffering of its residents.
 51

52 **17.16.20 PURPOSE**
 53

54 It is the purpose of this Chapter to promote the public health, safety, and general welfare;
 55 minimize property damage; to encourage construction practices to minimize future
 56 damage and to protect water supply, sanitary sewage disposal and natural drainage. The
 57 requirements set forth in this Chapter are designed to:

- 58 • Protect human life and health;
- 59 • Prevent developments from increasing flood hazards to others;
- 60 • Protect new structures and substantial improvements to structures from flood
 61 damage;
- 62 • Minimize expenditure of public funds for flood control projects;
- 63 • Minimize the need for rescue and relief efforts associated with flooding;
- 64 • Minimize prolonged business interruptions;
- 65 • Minimize damage to public facilities and utilities;
- 66 • Help maintain a stable tax base by providing for the sound use and development
 67 of SFHA's;
- 68 • Make federally subsidized flood insurance available for structures and their
 69 contents by fulfilling the requirements of the National Flood Insurance Program
 70 [NFIP].
 71

72 **17.16.30 APPLICABILITY**
 73

74 A. Cranston elects to comply with the requirements of the National Flood Insurance Act
 75 of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program,
 76 established in the aforesaid act, provides that SHFA's in the City be identified by the
 77 Federal Emergency Management Agency [FEMA] and that floodplain management
 78 measures be applied in said areas. The requirements of this Chapter [17.16] shall
 79 apply to any development which lies wholly or partly in a SFHA.
 80

81 B. SFHA's are herein established as a floodplain overlay district. The District shall be
 82 all SHFA's within the City designated as Zone A, AE, AH, AO, A99, V, or VE on the
 83 Providence County Flood Insurance Rate Map [FIRM] and Digital FIRM issued by
 84 the FEMA for the administration of the NFIP. The map panels of the Providence
 85 County FIRM that are wholly or partially within the City of Cranston are:

86	PANEL NUMBER	DATE
87	4007C0317J	September 18, 2013
88	4007C0292G	March 2, 2009
89	4007C0294G	March 2, 2009
90	4007C0295G	March 2, 2009
91	4007C0311G	March 2, 2009
92	4007C0312G	March 2, 2009
93	4007C0313G	March 2, 2009
94	4007C0314G	March 2, 2009
95	4007C0316G	March 2, 2009
96	4007C0317G	March 2, 2009
97		

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98		
99	<u>4007C0318G</u>	<u>March 2, 2009</u>
100	<u>4007C0319H</u>	<u>September 18, 2013</u>
101	<u>4007C0406G</u>	<u>March 2, 2009</u>
102	<u>4007C0407G*</u>	<u>March 2, 2009</u>
103	<u>4007C0426G</u>	<u>March 2, 2009</u>
104	<u>4007C0427G</u>	<u>March 2, 2009</u>
105	<u>*Panel Not Printed</u>	
106		

107 The exact boundaries of the District may be defined by the 100-year base flood
 108 elevations [BFE's] shown on the FIRM and further defined by the Providence County
 109 Flood Insurance Study (FIS) report dated September 18, 2013. The office of
 110 Planning Department is responsible for floodplain management. The FIRM and FIS
 111 report and any revisions thereto are incorporated herein by reference and are on file
 112 with the Planning Department.

113
 114 C. The requirements set forth in this Chapter are not intended to repeal, abrogate, or
 115 impair any existing easement, covenant, or deed restriction and shall be in addition to
 116 all other requirements of the Cranston Code of Ordinances [ORDINANCE] or of any
 117 other applicable state or federal law or regulation. Where this Chapter and another
 118 ordinance, law, regulation, easement, covenant, or deed restriction conflict,
 119 whichever imposes the more stringent restrictions shall prevail.

120
 121 D. In the interpretation and application of this Chapter, all provisions shall be:
 122 • Considered minimum requirements;
 123 • Liberally construed in favor of the City; and
 124 • Deemed neither to limit or repeal any other powers granted under State statutes.

125
 126 **17.16.40 WARNING AND DISCLAIMER OF LIABILITY**

127
 128 The degree of flood protection required by this Chapter is considered reasonable for
 129 regulatory purposes and is based on engineering and scientific data submitted to the City
 130 by FEMA and/or by the U.S. Army Corps of Engineers. Larger floods may occur on rare
 131 occasions or flood heights may be increased by manmade or natural causes. This Chapter
 132 does not imply that areas outside of the SFHA's or the land uses permitted in SHFA's
 133 will be free from flooding or flood damage. This Chapter shall not create liability on the
 134 part of the City, FEMA or any officer or employee thereof for any flood damages that
 135 may result from reliance on this Chapter or any administrative decision lawfully made
 136 hereunder.

137
 138 **17.16.50 DEFINITIONS**

139
 140 Unless specifically defined below or §17.04.030, the words and phrases used in this
 141 Chapter have the same meaning as they have in common usage and to give this ordinance
 142 it's most reasonable application.

143
 144
 145
 146
 147

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- 148 **A Zone:** see "Zone A"
 149
- 150 **Accessory Structure:** A structure which is located on the same parcel as the principal
 151 structure to be insured and the use of which is incidental to the use of the principal
 152 structure.
 153
- 154 **Appeal:** A request to the Zoning Board of Review to review the Inspector of Buildings'
 155 interpretation of any provision of this Chapter or a request for a variance.
 156
- 157 **Addition:** A walled and roofed expansion to the perimeter of a structure in which the
 158 expansion is connected by a common load-bearing wall other than a firewall. A walled
 159 and roofed expansion, which is connected by a firewall or is separated by independent
 160 perimeter load-bearing walls, shall be treated as new construction.
 161
- 162 **Area of Shallow Flooding :** A designated AO, AH, AR/AO, AR/AH, or VO zone on a
 163 community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of
 164 flooding to an average depth of 1' to 3' where a clearly defined channel does not exist,
 165 where the path of flooding is unpredictable, and where velocity flow may be evident.
 166 Such flooding is characterized by ponding or sheet flow.
 167
- 168 **Area of Special Flood Hazard:** See definition for "Special Flood Hazard Area".
 169
- 170 **B Zone:** See "Zone B."
 171
- 172 **Base Flood:** The flood having a 1% chance of being equaled or exceeded in any given
 173 year, also known as the "100-year" or "1% chance" flood, as published by FEMA as part
 174 of a FIS and depicted on a FIRM.
 175
- 176 **Base Flood Elevation (BFE):** The elevation of the crest of the base flood or 100-year
 177 flood. The height, as established in relation to the North American Vertical Datum
 178 (NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected
 179 to be reached by the waters of the base flood at pertinent points in the floodplains of
 180 coastal and riverine areas.
 181
- 182 **Basement:** Any area of the building having its floor subgrade (below ground level) on all
 183 sides.
 184
- 185 **Breakaway Wall:** A wall that is not part of the structural support of a building and is
 186 intended to collapse under specific lateral loading forces without causing damage to the
 187 supporting foundation system of the building.
 188
- 189 **Building:** See definition for "Structure".
 190
- 191 **Coastal A Zone –** Area within a special flood hazard area, landward of a V Zone or
 192 landward of an open coast without mapped V Zones. The principal source of flooding
 193 must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding.
 194 During the base flood conditions, the potential for breaking wave heights shall be greater
 195 than or equal to 1.5 feet.
 196

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197 Cost: As related to substantial improvements, the cost of any reconstruction,
 198 rehabilitation, _____ addition, alteration, repair or other improvement of a structure
 199 established by a detailed written contractor's estimate. The estimate shall *include*, but
 200 not be limited to: the cost of materials (interior finishing elements, structural elements,
 201 utility and service equipment); sales tax on materials, building equipment and fixtures,
 202 including heating and air conditioning and utility meters; labor; built-in appliances;
 203 demolition and site preparation; repairs made to damaged parts of the building worked on
 204 at the same time and contractor's overhead and profit. Items to be *excluded* include: cost
 205 of plans and specifications, survey costs, permit fees, outside improvements such as
 206 septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation
 207 systems, and detached structures such as garages, sheds, and gazebos.

208
 209 **Critical Facility:** A structure or other improvement that; because of its function, size,
 210 service area, or uniqueness; has the potential to cause serious bodily harm, extensive
 211 property damage, or disruption of vital socioeconomic activities if it is destroyed or
 212 damaged or if its functionality is impaired. Critical facilities include the following
 213 categories:

- 214 • Structures or facilities that produce, use or store highly volatile, flammable,
 215 explosive, toxic and/or water-reactive materials.
- 216 • Hospitals, nursing homes and housing likely to contain occupants who may not be
 217 sufficiently mobile to avoid death or injury during a flood.
- 218 • Police and fire stations, vehicle and equipment storage facilities, and emergency
 219 operations centers that are needed for flood response activities before, during and
 220 after a flood.
- 221 • Utility facilities that are vital to maintaining or restoring normal services to flood
 222 areas before, during and after a flood.
- 223 • Facilities which, if flooded, would cause loss of irreplaceable public records.

224
 225 **Design Flood Elevation (DFE):** With the exception of critical facilities, the DFE shall be
 226 as defined in the Rhode Island State Building Code (As established under Rhode Island
 227 General Law § 23-27.3). For critical facilities, the DFE shall be the elevation of the 500-
 228 year flood plus 2' of freeboard.

229
 230 **Development:** Any man-made change to improved or unimproved real estate, including
 231 but not limited to the construction of buildings or other structures, mining, dredging,
 232 filling, grading, paving, excavation or drilling operations or storage of equipment or
 233 materials.

234
 235 **Dry Floodproofing:** Any combination of structural and non-structural protection
 236 measures _____ incorporated in a building that is not elevated above the Design Flood
 237 Elevation [DFE] that keeps water from entering the building in order to prevent or
 238 minimize flood damage. [For insurance purposes, a dry floodproofed, non-residential
 239 structure is rated based on the elevation of its lowest floor unless it is floodproofed to 1'
 240 above the BFE.

241
 242 **Elevated Structure:** A non-basement structure built to have the lowest floor elevated
 243 above ground level by means of fill, solid foundation perimeter walls, piling, columns
 244 (post and piers), shear walls, or breakaway walls. (See freeboard requirements for
 245 residential and non-residential structures.)

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- 248
249 **Elevation Certificate:** A statement certified by a registered professional engineer [RPE]
250 or professional land surveyor [PLS], on the FEMA approved form, which verifies a
251 structure's elevation and other related information needed to verify compliance with this
252 Chapter.
253
- 254 **Enclosure:** That portion of a structure below the Base Flood Elevation (BFE) used solely
255 for parking of vehicles, limited storage, or access to the structure.
256
- 257 **Encroachment:** The physical advance or infringement of uses, plant growth, or
258 development into a floodplain.
259
- 260 **Existing Construction:** Any structure for which the start of construction commenced
261 before November 27, 1974.
262
- 263 **Existing Manufactured Home Park or Manufactured Home Subdivision:** A
264 manufactured home park or subdivision for which the construction of facilities for
265 servicing the lots on which the manufactured home are to be affixed (including, as a
266 minimum, the installation of utilities, the construction of streets, and either final site
267 grading or the pouring of concrete pads) was completed before November 27, 1974.
268
- 269 **Expansion to an Existing Manufactured Home Park or Existing Manufactured**
270 **Home Subdivision:** The preparation of additional sites by the construction of facilities
271 for servicing the lots on which the manufacturing homes are to be affixed (including the
272 installation of utilities, the construction of streets, and either final site grading or the
273 pouring of concrete pads).
274
- 275 **Federal Emergency Management Agency (FEMA):** The federal agency that
276 administers the National Flood Insurance Program (NFIP).
277
- 278 **Five-hundred Year Flood (500-year flood):** The flood that has a 0.2 percent chance of
279 being equaled or exceeded in any given year.
280
- 281 **Flood or Flooding:** A general and temporary condition of partial or complete inundation
282 of normally dry land areas from either the overflow of inland or tidal waters, or the
283 unusual and rapid accumulation or runoff of surface waters from any source.
284
- 285 **Flood Insurance Rate Map (FIRM):** The official map of a community on which the
286 Federal Insurance Administrator has delineated both the special hazard areas and the risk
287 premium zones applicable to the community. A FIRM that has been made available
288 digitally is called a Digital Flood Insurance Rate Map (DFIRM).
289
- 290 **Flood Insurance Study (FIS):** The official report for a community published by FEMA
291 in conjunction with the community's Flood Insurance Rate Map. The study contains a
292 technical engineering evaluation and determination of local flood hazards, flood profiles
293 and water surface elevations.
294
- 295 **Floodplain:** That land typically adjacent to a body of water with ground surface
296 elevations that are inundated by the base flood.
297

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298 **Flood Proofing** – Any combination of structural and non-structural additions, changes,
 299 or adjustments to structures which reduce or eliminate flood damage to real estate or
 300 improved real property, water and sanitary facilities, structures and their contents.

301
 302 **Floodproofing Certificate**: A certification by a RPE or a registered architect, on a
 303 FEMA approved form, stating that a non-residential structure, together with attendant
 304 utilities and sanitary facilities is watertight to a specified design elevation with walls that
 305 are substantially impermeable to the passage of water and all structural components are
 306 capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of
 307 buoyancy and anticipated debris impact forces.

308
 309 **Floodway**: The channel of a river or other watercourse and the adjacent land areas that
 310 carries most of the base flood and must be reserved in order to discharge the base flood
 311 without cumulatively increasing the water surface elevation more than 1'. For the
 312 purposes of these regulations, the term "Regulatory Floodway" is synonymous in
 313 meaning with the term "Floodway".

314
 315 **Freeboard**: A factor of safety usually expressed in feet above a flood level for purposes
 316 of floodplain management. "Freeboard" tends to compensate for the many unknown
 317 factors that could contribute to flood heights greater than the height calculated for a
 318 selected size flood and floodway conditions, such as wave action, bridge openings, and
 319 the hydrological effect of urbanization of the watershed.

320
 321 **Functionally Dependent Use or Facility**: A use or facility that cannot perform its
 322 intended purpose unless it is located or carried out in close proximity to water. The term
 323 includes only docking facilities, port facilities that are necessary for the loading and
 324 unloading of cargo or passengers, and ship building and ship repair facilities. The term
 325 does not include seafood processing facilities, long-term storage, manufacturing, sales or
 326 service facilities.

327
 328 **Highest Adjacent Grade (HAG)**:The highest natural elevation of the ground surface
 329 prior to construction next to the proposed walls of a structure.

330
 331 **Historic Structure**: Any structure that is: (a) Listed individually in the National
 332 Register of Historic Places (a listing maintained by the Department of the Interior) or
 333 preliminarily determined by the Secretary of the Interior as meeting the requirements for
 334 individual listing on the National Register; (b) Certified or preliminarily determined by
 335 the Secretary of the Interior as contributing to the historic significance of a registered
 336 historic district or a district preliminarily determined by the Secretary to qualify as a
 337 registered historic district; (c) Individually listed on a state inventory of historic places in
 338 states with historic preservation programs which have been approved by the Secretary of
 339 the Interior; or (d) Individually listed on a local inventory of historic places in
 340 communities with historic preservation programs that have been certified either: (1) By
 341 an approved state program as determined by the Secretary of the Interior, (2) Directly by
 342 the Secretary of the Interior in states without approved programs or by a municipality's
 343 Local Historic District Ordinance.

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348 **Limit of Moderate Wave Action (LiMWA):** An advisory line indicating the limit of the
349 1.5-foot wave height during the base flood.

350

351 **Lowest Adjacent Grade:** The lowest elevation, after completion of construction, of the
352 ground, sidewalk, patio, deck support, or basement entryway immediately next to the
353 structure. It does not include earth that is emplaced for aesthetic or landscape reasons
354 around a foundation wall. It does include natural ground or properly compacted fill that
355 comprises a component of a structure's foundation system.

356

357 **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An
358 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building
359 access or storage in an area other than a basement area is not considered a building's
360 lowest floor; *Provided*, that such enclosure is not built so as to render the structure in
361 violation of the applicable non-elevation design requirements of § 60.3.

362

363 **Manufactured (Mobile) Home:** A structure, transportable in one or more sections,
364 which is built on a permanent chassis and is designed for use with or without a permanent
365 foundation when attached to the required utilities. The term "manufactured home" does
366 not include a "recreational vehicle".

367

368 **Manufactured Home Park or Manufactured Home Subdivision:** A parcel or
369 contiguous parcels of land divided into two (2) or more manufactured home lots for rent
370 or sale.

371

372 **Market Value:** Market value is the price of a structure that a willing buyer and seller
373 agree upon. This can be determined by an independent appraisal by a professional
374 appraiser; the property's tax assessment, minus land value; the replacement cost minus
375 depreciation of the structure and/or the structure's Actual Cash Value.

376

377 **Mean Sea Level (MSL):** Average height of the sea for all stages of the tide, usually
378 determined from hourly height observations over a 19-year period on an open coast or in
379 adjacent waters having free access to the sea. North American Vertical Datum (NAVD)
380 1988 to which base flood elevations shown on a community Flood Insurance Rate Map
381 (FIRM) are referenced.

382

383 **New Construction:** Structures for which the "start of construction" commenced on or
384 after November 27, 1974, the effective date of Chapter 17.16. For floodplain
385 management purposes, new construction means structures for which the start of
386 construction commenced on or after the effective date of a floodplain management
387 regulation adopted by a community and includes any subsequent improvements to such
388 structures.

389

390 **New Manufactured Home Park or Manufactured Home Subdivision:** A
391 manufactured home park or manufactured home subdivision for which the construction
392 of facilities for servicing the lots on which the manufactured homes are to be affixed
393 (including at a minimum, the installation of utilities, the construction of streets, and either
394 final site grading or the pouring of concrete pads) was completed on or after November
395 27, 1974, the effective date of Chapter 17.16.

396

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- 397 **Obstruction:** Includes, but is not limited to, any dam, wall, wharf, embankment, levee,
 398 dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert,
 399 building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in,
 400 along, across or projecting into any watercourse which may alter, impede, retard or
 401 change the direction and/or velocity of the flow of water, or due to its location, its
 402 propensity to snare or collect debris carried by the flow of water, or its likelihood of
 403 being carried downstream.
 404
- 405 **Recreational Vehicle:** A vehicle which is: (a) built on a single chassis; (b) four hundred
 406 (400) square feet or less when measured at the largest horizontal projection; (c) designed
 407 to be self-propelled or permanently towable by a light duty truck; and (d) designed
 408 primarily not for use as a permanent dwelling but as a temporary living quarters for
 409 recreational, camping, travel, or seasonal use.
 410
- 411 **Regulatory Floodplain:** see definition Special Flood Hazard Area (SFHA)
 412
- 413 **Regulatory Floodway:** see definition for "Floodway".
 414
- 415 **Sand Dunes** – Naturally occurring accumulations of sand in ridges or mounds landward
 416 of the beach.
 417
- 418 **Sheet Flow:** See definition for "Area of Shallow Flooding".
 419
- 420 **Special Flood Hazard Area (SFHA)** – The land in the floodplain within a community
 421 subject to a one (1) percent or greater chance of flooding in any given year. After
 422 detailed ratemaking has been completed in preparation for publication of the flood
 423 insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99,
 424 AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. For purposes
 425 of these regulations, the term "special flood hazard area" is synonymous in meaning with
 426 the phrase "area of special flood hazard".
 427
- 428 **Start of Construction:** – For other than new construction or substantial improvements
 429 under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement
 430 and means the date the building permit was issued, provided the actual start of
 431 construction, repair, reconstruction, rehabilitation, addition placement, substantial
 432 improvement or other improvement was within one hundred and eighty (180) days of the
 433 permit date. The actual start means either the first placement of permanent construction
 434 of a structure on a site, such as the pouring of slab or footings, the installation of piles,
 435 the construction of columns, or any work beyond the stage of excavation, or the
 436 placement of a manufactured home on a foundation. Permanent construction does not
 437 include land preparation, such as clearing, grading and filling; nor does it include the
 438 installation of streets and/or walkways; nor does it include excavation for a basement,
 439 footings, piers, or foundations or the erections of temporary forms; does not include the
 440 installation on the property of accessory buildings, such as garages or sheds not occupied
 441 as dwelling units or not part of the main structure. For a substantial improvement, the
 442 actual start of construction means the first alteration of any wall, ceiling, floor, or other
 443 structural part of a building, whether or not that alteration affects the external dimensions
 444 of the building.
 445

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446 **Structure** – For floodplain management purposes, a walled and roofed building,
 447 including a gas or liquid storage tank, that is principally above ground, as well as a
 448 manufactured home.

449 For insurance purposes, means:

- 450 1. A building with two or more outside rigid walls and a fully secured roof, that is
 451 affixed to a permanent site;
- 452 2. A manufactured home (“a manufactured home,” also know as a mobile home, is
 453 a structure; built on permanent chassis, transported to its site in one or more
 454 sections, and affixed to a permanent foundation); or
- 455 3. A travel trailer without wheels, built on a chassis and affixed to a permanent
 456 foundation, that is regulated under the community’s floodplain management and
 457 building ordinances or laws.

458 For the latter purpose, “structure” does not mean recreational vehicle or a park trailer or
 459 other similar vehicle, except as described in paragraph (3) of this definition, or a gas or
 460 liquid storage tank.

461

462 **Substantial Damage:** Damage of any origin sustained by a structure whereby the
 463 cumulative percentage of damage during a 5 year period equals or exceeds fifty percent
 464 (50%) of the market value of the structure before the damage occurred.

465

466 **Substantial Improvement** – Any reconstruction, rehabilitation, addition or other
 467 improvements to a structure, taking place during a five (5) year period, the cost of which
 468 equals or exceeds 50 percent of the market value of the structure before the “start of
 469 construction” of the improvement. This term includes structures which have incurred
 470 “substantial damage”, regardless of the actual repair work performed. The term does not,
 471 however, include:

472

473 1. Any project to correct existing violations of state or local health, sanitary, or
 474 safety code specifications which have been identified by the local code
 475 enforcement official and which are the minimum necessary to assure safe living
 476 conditions or

477

478 2. Any alteration of the “historic structure”, provided that the alteration will not
 479 preclude the structure’s continued designation as a “historic structure”.

480 **UTILITIES [For Structures]:** plumbing, mechanical and electrical equipment including
 481 piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating,
 482 ventilation, cooling, refrigeration and fire-fighting facilities essential for the habitable
 483 occupancy of a building or structure for its designated use and occupancy. Utilities
 484 include but are not limited to furnaces, boilers, air conditioning compressors, air and
 485 heating ducts, water supply pipes electric, gas and water meters, control panels, electrical
 486 wiring, and gas pipes.

487

488 **Variance** - A grant of relief by a community from the terms of the floodplain
 489 management ordinance that allows construction in a manner otherwise prohibited and
 490 where specific enforcement would result in unnecessary hardship.

491

492 **Violation:** The failure of a structure or other development to be fully compliant with the
 493 community’s floodplain management regulations. A structure or other development
 494 without the required federal, state, and/or local permits and elevation certification is
 495 presumed to be in violation until such time as the documentation is provided.

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496 WATERCOURSE: A lake, river, creek, stream, wash, channel or other topographic
497 feature on or over which waters flow at least periodically. Watercourse includes
498 specifically designated areas in which substantial flood damage may occur.
499

500 Wet Floodproofing: Measures designed to minimize damage to a structure or its
501 contents by water that is allowed into a building.
502

503 Zone A: The Special Flood Hazard Area (except coastal V Zones) shown on a
504 community's
505 Flood Insurance Rate Map. There are seven types of A Zones:
506

507 A: SFHA where no base flood elevation is provided.
508

509 AE: SFHA where base flood elevations are provided. AE-Zone delineations are used
510 on newer FIRMs instead of A# Zones.
511

512 AO: SFHA with sheet flow, ponding, or shallow flooding. Base flood depths (feet
513 above grade) are provided.
514

515 AH: Shallow flooding SFHA. Base flood elevations in relation to a national datum
516 are
517 provided.
518

519 AR: A temporary designation for an area where a flood control system that no longer
520 provides protection from the base flood is expected to be improved so it will provide
521 protection to the base flood again in the future. This zone is considered part of the
522 Special Flood Hazard Area or "regulatory floodplain," but properties in this zone do
523 not
524 receive the "in SFHA" CRS premium discount (see Table 110-1).
525

526 Zone V: The Special Flood Hazard Area subject to coastal high hazard flooding. There
527 are
528 three types of V Zones: V, V#, and VE, and they correspond to the A-Zone designations.
529

530 Zone X: Newer Flood Insurance Rate Maps show Zones B and C (see above) as Zone X.
531 The shaded Zone X corresponds to a Zone B and the unshaded Zone X corresponds to a
532 Zone C.
533

534 **17.16.60 ADMINISTRATION BY INSPECTOR OF BUILDINGS**
535

536 The Inspector of Buildings shall be responsible for the administration of this Chapter.
537 Specifically, the Inspector of Buildings shall:

- 538 1. Review applications for development in SFHA's to determine compliance with
539 the requirements set by this Chapter;
- 540 2. Inspect and inventory damaged structures in SFHA's and complete substantial
541 damage determinations;
- 542 3. For residential structures, verify and record the elevation of the lowest floor
543 (including basement) of any new construction, substantial improvements or repair
544 to substantially damaged structures.

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- 545 4. For nonresidential structures, verify and record the elevation of the lowest floor
 546 (including basement) and, if applicable, the floodproofed elevation of any new
 547 construction, substantial improvements or repair to substantially damaged
 548 structures.
 549 5. Utilize, in the review of applications for devolvement in SHFA's, the BFE as
 550 provided in the FIS "Providence County Rhode Island [All jurisdictions]";
 551
 552 6. Interpret the location of boundaries of SFHA's as shown on the appropriate
 553 FIRM's;
 554 7. In A-Zones, in absence of FEMA BFE and floodway data, obtain, review, and
 555 utilize other BFE and floodway data as a basis for elevating residential structures
 556 to or above the DFE and for floodproofing or elevating non-residential structures
 557 to or above the DFE.
 558 8. Maintain, as a permanent record, copies of all SHFA Development Permits
 559 [SHFA PERMIT] issued and data relevant thereto, including reports of the
 560 zoning board of review on variances.
 561

562 **17.17.70 PERMIT REQUIRED**

- 563
 564 A. No development shall be allowed in a SHFA unless it complies with the requirements
 565 set by this Chapter and other applicable regulations. Any development in a SHFA
 566 shall require the issuance of a SHFA Permit by the Inspector of Buildings except
 567 where said development is covered by a building permit or for the construction of
 568 public improvements in a subdivision approved by the City Plan Commission.
 569
 570 B. Application for a SHFA Permit shall be made on forms furnished by the Cranston
 571 Department of Inspections. A SHFA Permit or building permit for development in a
 572 SHFA shall provide the following information:
 573 1. The name, address and phone number of the applicant.
 574 2. A description of the proposed development.
 575 3. Address of and a locus map for proposed development.
 576 4. A site plan signed and stamped by a RPE or PLS showing:
 577 • Benchmark and datum [All elevations shall be in NAVD 88];
 578 • The dimensions of the lot;
 579 • Grading including existing and proposed contours and proposed cuts, fills and
 580 drainage facilities;
 581 • Watercourses, floodways and the BFE;
 582 • The location and dimensions of existing and proposed structures and utilities;
 583 • The elevation of the lowest floor, including basement [If the lowest floor is
 584 below grade on one or more sides, the elevation of the floor immediately
 585 above];
 586 • The highest and lowest grades adjacent to the walls of the proposed structures;
 587 and
 588 • The elevation to which the structure will be elevated or floodproofed;
 589 5. A statement as to the type of waste disposal system proposed;
 590 6. Certification by a RPE or PLS that the BFE and other elevations shown on the
 591 plan are accurate;
 592 7. Certification by a RPE, PLS or registered architect that a proposed development
 593 shall comply with the elevation or floodproofing requirements set by
 594 §17.17.100.A.1, §17.17.100.A.2, §17.17.100.A.3, §17.17.100.A.5,

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595 §17.17.100.A.8, §17.17.100.B.1 and §17.17.100.B.2. For structures that are to be
 596 floodproofed, said certification shall be provided on a Floodproofing Certificate
 597 (FEMA Form 81-65, 01/03, as amended).

- 598
 599 8. A stormwater management and sediment and erosion control plan as required by
 600 the Ordinance or by State regulations. At a minimum said plan shall specify that
 601 ground cover shall be established immediately after disturbance and include a
 602 plan for final landscaping.
 603 9. A description of the extent to which any watercourse will be altered or relocated
 604 as a result of the proposed development.

605
 606 C. Additional Compliance

- 607
 608 1. The National Flood Insurance Program Special Flood Hazard Area requires
 609 permits for all projects that meet the definition of development, not just
 610 “building” projects. Development projects include any filling, grading,
 611 excavation, mining, drilling, storage of materials, temporary stream crossings. If
 612 the construction or other development within a Special Flood Hazard Area is not
 613 covered by a building permit, all other non-structural activities shall be permitted
 614 by either the Rhode Island Coastal Resources Management Council and/or the
 615 Rhode Island Department of Environmental Management as applicable.
 616 Therefore if another State agency issues a permit, the local building official must
 617 have the opportunity for input and keep a copy of the respective permit in their
 618 files.

619
 620 Prior to the issuance of a building or development permit, the applicant shall
 621 submit evidence that all necessary permits and approvals have been received from
 622 all government agencies from which approval is required by federal or state law

623 2. The SHFA are established as a floodplain overlay district. All development in the
 624 district, including structural and non-structural activities shall be in compliance with
 625 the following:

- 626 - Rhode Island State Building Code (As established under Rhode Island
 627 General Law § 23-27.3);
 628 - Coastal Resources Management Act, Rhode Island Coastal Resources
 629 Management Council (RIGL § 46-23)
 630 - Endangered Species Act, Rhode Island Department of Environmental
 631 Management (RIGL § 20-1-2)
 632 - Freshwater Wetlands Act, Rhode Island Department of Environmental
 633 Management (RIGL § 2-1-18)
 634 - Minimum Standards Related to Individual Sewage Disposal Systems, Rhode
 635 Island Department of Environmental Management (RIGL §, 5-56, 5-56.1, 23-
 636 19.15, 23-19.5, 23-24.3, 42-17.1, and 46-13.2)
 637 - Water Quality Regulations, Rhode Island Department of Environmental
 638 Management (RIGL§ 42-17.1 and 42-17.6 and 46-12)

639
 640 Any variances from the provisions and requirements of the above referenced state
 641 regulations may only be granted in accordance with the required variance procedures
 642 of these state regulations.
 643

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644 **17.16.80 PERMIT FEE**

645

646 For a SHFA permit, a permit fee [based on the formula used for issuing a building
647 permit] shall be required to be paid to the City at the time of application.

648

649 **17.16.90 GENERAL DEVELOPMENT STANDARDS**

650

651 The following standards shall apply to any development located wholly or partly in a
652 SFHA.

653

654 A. No watercourse shall be altered unless prior approval has been granted by the Rhode
655 Island Department of Environmental Management. No watercourse shall be altered
656 in a manner which will decrease the capacity of the watercourse. If an alteration of a
657 watercourse is permitted, the Inspector of Buildings shall notify prior to said
658 alteration:

659

660 Adjacent Communities

661

662 NFIP State Coordinator663 Rhode Island Emergency Management Agency664 645 New London Avenue665 Cranston Rhode Island 02920

666

667 Risk Analysis Branch668 Federal Emergency Management Agency, Region I669 99 High Street, 6th Floor670 Boston, MA 02110.

671

672 B. In a floodway:

673

674 1. The construction of any structure that requires the issuance of a building permit

675

676 2. Any encroachment shall be prohibited unless a RPE certifies that said

677

678 D. Excavation or fill below the BFE may be permitted under the following conditions:

679

680 1. All excavation or fill shall be constructed so as not to obstruct a drainage way.

681

682 2. The excavation or fill shall be constructed so as to be stable, remain firm and in

683

684 place during flooding and to protect abutting properties from increased runoff.

685

686 3. No land shall be altered in a manner which will increase a BFE. The amount of

687

688 flood storage provided after the excavation or fill shall be at least equal to that which

689

690 presently exists under the 2, 10, 25 and 100 year storm event. Said storage shall be

691

692 equivalent to that lost at each elevation (in 1' increments) and shall be located in the

693

694

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- 694 E. No outdoor storage of materials or equipment which is likely to cause damage to
 695 property, create a potential obstruction, create a potential fire hazard or pollute the
 696 waters in flood event shall be permitted in a SFHA. Said items shall include but not
 697 necessarily be limited to: lumber and other buoyant materials, water-soluble
 698 materials, volatile or flammable materials, acids or poisons.
 699
- 700 F. Provision shall be made for anchoring facilities, equipment or yard features which are
 701 capable of movement or flotation during flooding. Said items shall include but shall
 702 not be limited to: fences, sheds, animal shelters, tanks, storage boxes, planters,
 703 vehicles, boats and other items normally positioned or stored on a site outside of a
 704 structure.
 705
- 706 G. The use of flood-resistant materials shall be used for construction below the BFE.
 707
- 708 H. Construction methods and practices shall be used that minimize flood damage.
 709
- 710 I. All utilities shall be constructed such that they are elevated to or above the DFE
 711
- 712 J. Onsite waste disposal systems shall be designed to avoid impairment to or
 713 contamination from them during flooding.
 714
- 715 K. Water supply and sanitary sewage systems shall be designed to prohibit infiltration
 716 into the systems and discharge from the systems during flooding.
 717
- 718 L. Fuel oil storage tanks shall be either elevated to or above the DFE or securely
 719 anchored to prevent flotation. Vent pipes shall extend to or above the DFE and fill
 720 caps below the DFE shall be screw type with a tight fitting gasket to prevent mixing
 721 of water with oil.
 722
- 723 M. BFE data shall be required for any subdivision proposal.
 724

725 **17.16.100 Specific Standards**

- 726
- 727 A. Construction Standards for A-Zones
 728
- 729 1. Residential Construction
 730 a. New construction, substantial improvements or repair to substantially
 731 damaged structures shall have the bottom of the lowest floor including
 732 basement and utilities elevated to or above the DFE
 733 b. Should solid foundation perimeter walls be used to elevate a structure, the
 734 structure shall comply with the standards specified in §17.16.100.A.4.
 735 c. Prior to the issuance of any C of O, certification shall be provided as required
 736 by §17.16.110.A.
 737
- 738 2. Non-Residential Construction
 739 a. New construction, substantial improvements or repair to substantially
 740 damaged structures shall:
 741 1. Have the bottom of the lowest floor including basement and utilities
 742 elevated to or above the DFE; or
 743

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- 744 2. Have the bottom of the lowest floor including basement and utilities dry
745 floodproofed to or above the DFE with watertight walls that are
746 substantially impermeable to the passage of water, and shall be
747 constructed with structural components having the capability of resisting
748 hydrostatic and hydrodynamic loads and the effects of buoyancy.
749 Floodproofing measures shall take into account flood velocities, duration,
750 and rate of rise, hydrostatic pressures, and impacts from debris or ice and
751 shall be operable without human intervention and without an outside
752 source of electricity.
- 753 b. Prior to the issuance of any C of O, certification shall be provided as required
754 by §17.16.110.B.
- 755
- 756 3. Manufactured (Mobile) Homes and Recreational Vehicles (RVs).
- 757 a. Manufactured homes to be newly placed, substantially improved or repaired
758 as a result of substantial damage shall have the bottom of the lowest floor
759 including utilities elevated to or above the DFE.
- 760 b. Manufactured homes shall be securely anchored on a permanent foundation
761 which itself is securely anchored so to resist flotation, lateral movement and
762 hydrostatic pressures. Anchoring may include, but not be limited to, the use of
763 over-the-top or frame ties to ground anchors.
- 764 c. Manufactured homes shall be installed using methods and practices which
765 minimize flood damage.
- 766 d. Public utilities and facilities in manufactured homes or subdivisions shall be
767 constructed so as to minimize flood damage.
- 768 e. Prior to the issuance of any C of O, certification shall be provided as required
769 by §17.16.110.A.
- 770 f. Recreational vehicles placed on sites shall be on the site for fewer than 180
771 consecutive days.
- 772
- 773 4. Elevated Structures
- 774
- 775 New construction, substantial improvements, or repair to substantially damaged
776 structures that include fully enclosed areas formed by a foundation and other
777 exterior walls below the DFE of an elevated structure, shall be designed to allow
778 for the entry and exit of flood waters to automatically equalize hydrostatic flood
779 forces on exterior walls. ~~If a building has more than one enclosed area, each area shall~~ comply with
780 the requirements set by this Section. Designs showing compliance with the
781 requirements set by this section shall be certified by a RPE or registered architect
782 prior to the issuance of any building permit and shall meet the following
783 standards:
- 784 a. The enclosed area shall be less than 300 SF.
- 785 b. The enclosed area shall be used only for the parking of vehicles, building access
786 or storage of maintenance equipment used in connection with the premises.
- 787 c. Access to the enclosed area shall be the minimum necessary to allow for the
788 parking of vehicles (garage door) or storage of maintenance equipment used in
789 connection with the premises (standard exterior door) or entry to the living area
790 (stairway or elevator).
- 791
- 792
- 793

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- 794 d. The enclosed area shall not be used as living space [human habitation] or
795 partitioned into separate rooms.
796 e. There shall be a minimum of 2 openings (hydraulic flood vents) having a total
797 net area of not less than 1 square inch for every 1 SF of enclosed area subject to
798 flooding. These hydraulic openings shall be located on at least 2 different
799 walls. Only the area that lies below the BFE shall be used in the calculation of
800 net area of vents required.
801 f. The bottom of all openings shall be no higher than 1' above grade. At least one
802 side of the structure's enclosed area shall be at or above grade. Fill placed
803 around the foundation walls shall be graded so that the elevation inside the
804 enclosed area is equal to or higher than the adjacent outside elevation on at
805 least one side of the structure. The foundation slab of a residential structure,
806 including the slab of a crawlspace, shall be set equal to the outside finished
807 grade on at least one side of the structure.
808 g. The openings may be equipped with screens, louvers, valves or other coverings
809 or devices, provided they permit the automatic entry and exit of flood waters in
810 both directions without any external influence or control such as human
811 intervention, including the use of electrical and other non-automatic mechanical
812 means. Other coverings may be designed and certified by an engineer and
813 approved by the Inspector of Buildings.
814 h. Walls, floor, and ceiling materials located below the DFE shall be unfinished
815 and be constructed of flood resistant materials.
816 i. Utilities, washers, dryers, and food freezers shall be elevated to or above the
817 DFE. [Utilities or service equipment located in this enclosed area, even if
818 elevated above the DFE in the space, will subject the structure to increased
819 flood insurance rates.]
820 j. For structures constructed with a crawl space:
821 1. The interior height of the crawlspace measured from the interior grade of
822 the crawl to the top of the foundation wall shall not exceed 4' at any point.
823 2. An adequate drainage system shall be installed to remove floodwaters
824 from the interior area of the crawlspace within a reasonable period of time
825 after a flood event.
826 k. A copy of the legally recorded deed restriction prohibiting the conversion of the
827 area below the lowest floor to a use or dimension contrary to the structure's
828 originally approved design shall be provided to the City's Floodplain Manager
829 prior to the issuance of any C of O.
830
831 5. Critical Facilities
832 a. Construction of new critical facilities shall be prohibited within the 500-year
833 floodplain.
834 b. Substantial improvements or repair to substantially damaged critical facilities
835 shall:
836 1. Have the bottom of the lowest floor, including basement and utilities
837 either elevated or dry floodproofed, as required by §17.16.100.A.2.a.;
838 2. Provide access to said facility that is elevated to or above the DFE;
839 3. Have toxic substances stored on site floodproofed and sealed to ensure
840 that said substances shall not be displaced by or released into floodwaters.
841
842
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- 844 c. Prior to the issuance of any C of O, certification shall be provided as required
845 by §17.16.110.B.
846
- 847 6. Accessory Structures
848 a. All Accessory Structures
849 1. Shall not be used for human habitation. An apartment, office or other
850 finished space over an accessory structure is considered human habitation
851 and shall require the structure to be elevated to or above the DFE.
852 2. Shall be used only for the storage of vehicles and/or limited storage and
853 shall not be modified into another use.
854 3. Shall be built of flood resistant materials below the DFE.
855 4. Shall have all utilities elevated to or above the DFE.
856 5. Shall have all flammable or toxic materials stored above the DFE.
857 b. Attached garages.
858 1. A garage attached to a residential structure shall have the garage floor slab
859 elevated to or above the DFE or be dry floodproofed to above the DFE.
860 2. A garage attached to a nonresidential structure shall meet the above
861 requirements or be dry floodproofed to above the DFE.
862 b. Detached garages and accessory structures.
863 1. Shall have unfinished interiors.
864 2. Shall be wet floodproofed to above the DFE.
865 3. Shall be no more than 500 SF and has a value less than \$1000
866 4. Shall be anchored to resist floatation, collapse, lateral movement and
867 overturning.
868
- 869 7. Foundation Protection
870 A structure may be constructed on permanent fill in accordance with the
871 following standards:
872 a. The bottom of the lowest floor including basement and utilities shall be
873 elevated to or above the DFE.
874 b. Fill shall be placed in layers no greater than 1' deep before compacting.
875 c. The top of the fill shall be no lower than the DFE and extend a minimum of
876 10' beyond the foundation of the structure before sloping below the BFE. The
877 10' minimum may be waived if a RPE certifies an alternative method has
878 been provided to protect the structure from damage due to erosion, scour, and
879 other hydrodynamic forces.
880 d. Fill used to support structures shall be compacted to 95% of the maximum
881 density obtainable by the Standard Proctor Test (ASTM Standard D-698) and
882 its suitability to support structures shall be certified by a RPE.
883 e. Fill shall be protected against erosion and scour during flooding. Slopes shall
884 be no greater than 2 to 1 horizontal/vertical. Flatter slopes may be required
885 where velocities may cause erosion.
886 f. The fill shall not adversely affect the flow or surface drainage from or onto
887 abutting properties.
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- 894 8. Standards for Shallow Flooding Zones
 895 Located in the SFHAs are areas designated as shallow flooding areas which have
 896 flood hazards associated with BFE of 1' to 3', where a clearly defined channel
 897 does not exist and the water path of flooding is unpredictable and indeterminate;
 898 in said areas the following requirements shall apply:
 899
- 900 a. Residential Construction
 901 1. New construction, substantial improvements, and repairs to substantially
 902 damaged structures shall have the lowest floor including basement and
 903 utilities elevated 3' higher than the flood depth number specified on the
 904 FIRM above the highest adjacent grade. If no flood depth is specified, the
 905 lowest floor including basement and utilities shall be elevated no less than
 906 3' above the highest adjacent grade.
 907 2. Adequate drainage paths around structures on slopes shall be provided to
 908 guide floodwaters around and away from proposed structures.
 909 3. Prior to the issuance of any C of O, certification shall be provided as
 910 required by §17.16.110.A.
 911
- 912 b. Non-Residential Construction
 913 New construction, substantial improvements, and repairs to substantially
 914 damaged structures shall:
 915 1. Have the lowest floor, including basement and utilities elevated 3' higher
 916 than the flood depth number specified on the FIRM above the highest
 917 adjacent grade. If no flood depth is specified, the lowest floor, including
 918 basement, shall be elevated no less than 3' above the highest adjacent
 919 grade; or
 920
 921 2. Have the bottom of the lowest floor, including basement and utilities dry
 922 floodproofed to an elevation 3' higher than the flood depth number
 923 specified on the FIRM above the highest adjacent grade with watertight
 924 walls that are substantially impermeable to the passage of water, and shall
 925 be constructed with structural components having the capability of
 926 resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 927 Floodproofing measures shall take into account flood velocities, duration,
 928 and rate of rise, hydrostatic pressures, and impacts from debris or ice and
 929 shall be operable without human intervention and without an outside
 930 source of electricity. If no flood depth is specified, the flood proofing
 931 elevation shall be elevated no less than three feet above the highest
 932 adjacent grade.
 933 3. Adequate drainage paths around structures on slopes shall be provided to
 934 guide floodwaters around and away from proposed structures.
 935 4. Prior to the issuance of any C of O, certification shall be provided as
 936 required by §17.16.110.B.
 937
 938
 939
 940
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- 944 c. Manufactured (Mobile) Homes and Recreational Vehicles (RVs).
 945 1. Manufactured homes to be newly placed, substantially improved or
 946 repaired as a result of substantial damage shall have the lowest floor
 947 including basement and utilities elevated 3' higher than the flood depth
 948 number specified on the FIRM above the highest adjacent grade. If no
 949 flood depth is specified, the lowest floor including basement and utilities
 950 shall be elevated no less than 3' above the highest adjacent grade.
 951 2. All manufactured homes shall be securely anchored on a permanent
 952 foundation which itself is securely anchored so to resist flotation, lateral
 953 movement and hydrostatic pressures. Anchoring may include, but not be
 954 limited to, the use of over-the-top or frame ties to ground anchors.
 955 3. All manufactured homes shall be installed using methods and practices
 956 which minimize flood damage.
 957 4. Public utilities and facilities in manufactured homes or subdivisions shall
 958 be constructed so as to minimize flood damage.
 959 5. Prior to the issuance of any C of O, certification shall be provided as
 960 required by §17.16.110.A.
 961 6. Recreational vehicles placed on sites shall be on the site for fewer than
 962 180 consecutive days.
 963
- 964 B. Construction Standards in V-Zones and Coastal A-zones
 965
- 966 1. Residential and Nonresidential Construction
 967 All new and substantial improvements, and repair to substantially damaged
 968 structures:
 969 a. Shall be elevated and secured to anchored pilings or columns and shall have
 970 the bottom of the lowest horizontal structural member of the structure and
 971 utilities elevated to or above the DFE.
 972
 973 b. The pile or column foundation and structure attached thereto shall be
 974 anchored to resist flotation, collapse, and lateral movement due to the effects
 975 of wind and water loads acting simultaneously on all building components.
 976 Water loading values used shall be those associated with the base flood. Wind
 977 loading values used shall be those required by applicable state or local
 978 building standards.
 979 c. Shall be certified by a RPE or registered architect that the design and methods
 980 of construction meet elevation and anchoring requirements.
 981 d. Shall have space below the lowest floor either free of obstruction or
 982 constructed with breakaway walls. Any enclosed space shall be used solely of
 983 building, building access, or storage and shall not be used for human
 984 habitation.
 985 e. Shall not utilize fill for structural support.
 986 f. New development shall be located on the landward side of the reach of mean
 987 high tide.
 988
- 989 2. Manufactured Homes
 990 a. The placement of new manufactured homes shall not be permitted.
 991 b. Existing manufactured homes which are substantially improved or repaired
 992 because they have sustained substantial damage:
 993 1. Shall be elevated and secured to anchored pilings or columns and shall

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- 994 have the bottom of the lowest horizontal structural member of the
- 995 structure and utilities elevated to or above the DFE.
- 996 2. The pile or column foundation and structure attached thereto shall be
- 997 anchored to resist flotation, collapse, and lateral movement due to the
- 998 effects of wind and water loads acting simultaneously on all building
- 999 components. Water loading values used shall be those associated with the
- 1000 base flood. Wind loading values used shall be those required by
- 1001 applicable state or local building standards.
- 1002 3. Shall be certified by a RPE or registered architect that the design and
- 1003 methods of construction meet elevation and anchoring requirements.
- 1004 4. Shall have space below the lowest floor either free of obstruction or
- 1005 constructed with breakaway walls. Any enclosed space shall be used
- 1006 solely for building access or storage and shall not be used for human
- 1007 habitation.
- 1008 5. Shall not utilize fill for structural support.
- 1009
- 1010 3. Recreational Vehicles
- 1011 Recreational vehicles placed on sites shall be on the site for fewer than 180
- 1012 consecutive days.

17.16.110 CERTIFICATION

A. Residential Construction

Prior to the issuance of any C of O, the elevation of the lowest floor of the structure including basement and utilities shall be certified by a RPE or PLS. Said certification shall be provided on the current FEMA Elevation Certificate.

B. Non-Residential Construction

Prior to the issuance of any C of O:

- 1025 1. The elevation of the lowest floor of the structure including basement and utilities
- 1026 shall be certified by a RPE or PLS. Said certification shall be provided on the
- 1027 current FEMA Elevation Certificate; or
- 1028 2. A RPE or registered architect shall certify the elevation of dryfloodproofing and
- 1029 that the design and methods of construction comply with the standards set by
- 1030 17.60.A.2.a.2. Said certification shall be provided on a Floodproofing Certificate
- 1031 (FEMA Form 81-65, 01/03, as amended).

17.16.120. VARIANCE

A. GENERAL

The Zoning Board of Review [ZBR] may hear and grant a variance as prescribed in §17.92.010 subject to the procedures and standards contained therein. In addition to complying with the procedures and standards set by §17.92.010, The ZBR shall consider and make findings on the following additional factors:

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- 1042 1. The danger to life and property due to flooding including the susceptibility of the
 1043 proposed facility and its contents to flood damage and the effect of such damage
 1044 on the individual owners;
 1045 2. The danger that materials may be swept on to other lands to the injury of others;
 1046 3. The proposed water supply and sanitation systems and the ability of these systems
 1047 to prevent disease, contamination, and unsanitary conditions;
 1048 4. The importance of the services provided by the proposed facility to City;
 1049 5. The requirements of the facility for a waterfront location;
 1050 6. The availability of alternative locations not subject to flooding for the proposed
 1051 use;
 1052 7. The safety of access by ordinary and emergency vehicles to the property during
 1053 flooding;
 1054 8. The expected heights, velocity, duration and rate of rise of the flood waters
 1055 expected at the site; and
 1056 9. The costs of providing governmental services during and after flooding, including
 1057 maintenance and repair of public utilities and facilities such as sewer, gas,
 1058 electrical, and water systems, and streets and bridges.

1059
1060 B. GRANT OF VARIANCE
1061

1062 A variance shall not be granted by the ZBR unless an applicant demonstrates
 1063 compliance with the following standards:

- 1064 1. The development shall not be located within a floodway
 1065 2. The development shall not create any increase in a BFE.
 1066 3. The development shall not place fill for structural support on a site located in a V-
 1067 Zone or coastal A-zone
 1068 4. There shall be no additional threat to public health, safety or creation of a
 1069 nuisance.
 1070 5. There shall be no additional public expense for flood protection, rescue or relief
 1071 operations, policing, or repairs to roads, utilities, or other public facilities.
 1072 6. The applicant's circumstances are unique and shall not establish a pattern
 1073 inconsistent with the intent of the NFIP.
 1074

1075 C. HISTORIC STRUCTURES
1076

1077 Variances may be issued for the repair or rehabilitation of a historic structure upon a
 1078 determination that the proposed repair or rehabilitation shall not preclude the
 1079 structure's continued designation as a historic structure and that the variance shall be
 1080 the minimum to preserve the historic character and design of the structure.
 1081

1082 D. NOTIFICATION
1083

- 1084 1. Any application for which a variance is granted, the ZBR shall give written
 1085 notice, to the applicant specifying the difference between the base flood elevation
 1086 and the elevation to which the lowest floor is to be built; and stating:
 1087 a. That the cost of the flood insurance will be commensurate with the increased
 1088 risk resulting from the reduced lowest floor elevation [up to twenty-five
 1089 dollars (\$25) per one hundred dollars (\$100) of insurance coverage];
 1090 b. That there will be increases the risks to life and property and

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- 1091 c. That requires the applicant proceed with knowledge of these risks and that the
- 1092 applicant shall acknowledge in writing the assumption of the risk and liability.
- 1093
- 1094 A copy of the notice shall be recorded by the ZBR in the City's registry of deeds
- 1095 and shall be recorded in a manner so that it appears in the chain of title of the
- 1096 affected parcel of land.
- 1097
- 1098 2. The Inspector of Buildings shall maintain the records of appeal actions and report
- 1099 the granting of any variances to the Rhode Island Statewide Planning and to
- 1100 FEMA as part of the City's biennial report to the Agency.
- 1101

17.16.130 Enforcement

- 1102
- 1103
- 1104 A. It shall be the duty of the Inspector of Buildings to enforce the provisions of this
- 1105 Chapter. If the Inspector of Buildings finds that any provisions of this Chapter are
- 1106 being violated, he shall notify, in writing, the person responsible for such violation
- 1107 indicating the nature of the violation and ordering the action necessary to correct it.
- 1108
- 1109 B. When the above action does not result in the correction or abatement of the violation,
- 1110 the Inspector of Buildings is hereby authorized and directed to institute any and all
- 1111 actions, whether legal or equitable, necessary to the enforcement of this Chapter. Any
- 1112 person who continues to violate any provision of this Chapter after receiving notice of
- 1113 such violation shall be guilty of a violation of this Chapter and subject to a fine of
- 1114 \$500.00 for each violation. Each day such a violation is continued is a separate
- 1115 offense.
- 1116

17.16.140 Severability

If any provision of this Chapter or of any rule, regulation or determination made there under, or the application thereof to any person, agency or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the Chapter, rule, regulation or determination and the application of the provisions to other persons, agencies or circumstances, shall not be affected thereby. The invalidity of any section or sections of this Chapter shall not affect the validity of the remainder of the Chapter.

Section 2. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, Solicitor

Date

Christopher Rawson, Solicitor

Date

Sponsored by: Allan W. Fung, Mayor

Referred to: Ordinance Committee August 15, 2013

7-13-5

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY
OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(No Parking on Calaman Road)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 10.32, Section .260 entitled "No Parking-Between 8:00 a.m. and 5:00 p.m.-Monday through Saturday" is hereby amended by deleting therefrom the following:

[Calaman Road, in front of the premises numbered 11 Calaman Road.]

Section 2. Chapter 10.32, Section .125 entitled "No Parking-After 5:00 p.m." is hereby amended by adding thereto the following:

Calaman Road, north side, from Reservoir Avenue to in front of the premises numbered 11 Calaman Road.

Calaman Road, south side, from Reservoir Avenue for a distance of one hundred and fifty (150) feet.

Section 3. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

Refer to Ordinance Committee August 15, 2013

Sponsored by: Councilman Botts

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY
OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(Pond and Orchard)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 10.32, Section .020 entitled "Stop Intersections-Enumerated" is hereby amended by deleting therefrom the following:

[Orchard Street, at its intersection with Pond Street.]

Section 2. Chapter 10.32, Section .030 entitled " Multi-way Stop intersections- enumerated" is hereby amended by adding thereto the following:

Pond Street and Orchard Street, 4 way stop.

Section 3. This Ordinance shall take effect upon its final adoption.

Positive Endorsement	Negative Endorsement (attach reasons)
_____	_____
Christopher Rawson, City Solicitor Date	Christopher Rawson, City Solicitor Date

Sponsored by: Councilman Botts
Refer to Ordinance Committee August 15, 2013

7-13-7 Ordinance in amendment of Title 5, Chapter 44 of the Code of the City of Cranston, 2005, entitled "Business Licenses and Regulations" (Itinerant Food Vendor License). Referred to Safety Services & Licenses Committee 8/5/2013.

[\[click to view\]](#)

7-13-8 Ordinance in amendment of Title 5.64 of the Code of the City of Cranston, 2005, entitled "Business Licenses and Regulations" (Public Entertainment Expiration Date). Referred to Safety Services & Licenses Committee 8/5/2013. [\[click to view\]](#)

To Be Referred to Claims Committee 8/5/2013:

*Property damage claim of Geraldine Cannon for alleged incident on May 1, 2013.
Property damage claim of Michelle Vitale for alleged incident on February 9, 2013.
Personal injury claim of Dolores Ciambrone for alleged incident on June 8, 2013.
Property damage claim of Angelina Agin for alleged incident on May 29, 2013.
Subrogation claim from Allstate Insurance for their insurer, Diana Lincoln, for alleged incident on June 8, 2013.

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to refer the above new business to the respective Committees. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8.

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

RIDOT Police Detail MOA (Awaiting Executed Copy) [\[click to view\]](#)

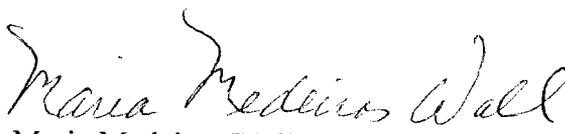
City Clerk stated that this was received Friday afternoon and is on file.

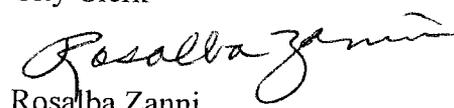
Update Regarding 2012 Sports Bar Lawsuit

Solicitor Kirshenbaum stated that decision from Department of Business Regulations was received today. The finding was that there was a clerical error. It is required that we come up with a procedure of standards for Entertainment Licenses and until then, the restrictions are upheld on this establishment. They are entitled to come back to the Council to re-apply.

Council President Lanni stated that Solicitor Kirshenbaum and Attorney Quinlan will draft language in regards to this issue to be discussed by the Council.

The meeting adjourned at 9:15 P.M.


Maria Medeiros Wall, JD
City Clerk


Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF TITLE 5, CHAPTER 44 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED "BUSINESS LICENSES AND REGULATIONS"

(Itinerant Food Vendor License)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 5.44, Section .070 entitled "Locational" is hereby amended by deleting therefrom the following:

[A. No food shall be sold by Itinerant Food vendors within one thousand (1,000) feet of any established business licensed to sell food by the city, nor within three hundred (300) feet of places of worship one-half hour before, during, or one-half hour after service or activities within such places of worship.]

Section 2. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

Sponsored by: Councilman Botts

Referred to Safety Services & Licenses Committee August 5, 2013

7-13-8

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 5.64, OF THE CODE OF THE CITY OF
CRANSTON, 2005, ENTITLED "BUSINESS LICENSES AND REGULATIONS"
(Public Entertainment expiration date)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Title 5.64 entitled "Theatrical Performances, Shows and Exhibitions." is hereby amended as follows:

5.64.040. Annual license year.

The annual entertainment license year shall be from [June 1st through May 31st.]
December 1st through November 31st.

Section 2: This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, Solicitor Date

Christopher Rawson, Solicitor Date

Sponsored by: Councilman Santamaria

Referred to Safety Services Committee August 5, 2013