

ORDINANCES

INDEX

CHAPTER I ADMINISTRATIVE LEGISLATION

| | | Page Number |
|---------------------------|--|--------------------|
| SECTION 1 | | |
| GENERAL PROVISIONS | | |
| 1-01-01 | CONTINUATION OF PRIOR ORDINANCES | 1 |
| 1-01-02 | OFFICIAL TOWN ROAD MAP | 1 |
| 1-01-03 | INDEMNIFICATION OF TOWN OFFICERS | 2 |
| | | |
| SECTION 2 | | |
| BOARDS | | |
| 1-02-01 | BIPARTISAN CANVASSING AUTHORITY | 3 |
| 1-02-02 | BUDGET BOARD | 4 |
| 1-02-03 | BUILDING BOARD CODE OF APPEALS | 5 |
| 1-02-04 | PERSONNEL POLICY-PERSONNEL BOARD | 6 |
| 1-02-05 | PLANNING BOARD | 7 |
| 1-02-06 | PLANNING BOARD | 10 |
| 1-02-07 | GLOCESTER LAND TRUST TRUSTEES | 10 |
| 1-02-10 | HOUSING BOARD OF REVIEW | 11 |
| | | |
| SECTION 3 | | |
| COMMISSIONS | | |
| 1-03-01 | CONSERVATION COMMISSION | 12 |
| 1-03-02 | RECREATION COMMISSION | 13 |
| 1-03-03 | ADVISORY SAFETY COMMISSION | 14 |
| | | |
| SECTION 4 | | |
| COMMITTEES | | |
| 1-04-01 | COMPREHENSIVE COMMUNITY PLAN COORDINATION COMMITTEE | 16 |
| | | |
| SECTION 5 | | |
| COURTS | | |
| 1-05-01 | PROBATE COURT ORDINANCE | 17 |

**SECTION 6
DEPARTMENTS**

| | | |
|---------|---|----|
| 1-06-01 | POLICE | 18 |
| 1-06-02 | ESTABLISHING A FOSTER/GLOCESTER REGIONAL HEARING BOARD | 18 |
| 1-06-03 | RETIREMENT OF INCAPACITATED POLICE OFFICERS | 21 |

**SECTION 9
MEETINGS**

| | | |
|---------|--|----|
| 1-09-01 | ABSENCES FROM APPOINTED BOARDS | 22 |
| 1-09-02 | NOTICE OF TOWN COUNCIL/OTHER TOWN MEETINGS | 23 |

**CHAPTER II
GENERAL LEGISLATION**

**SECTION 1
BUILDINGS**

| | | |
|---------|---|----|
| 2-01-01 | BUILDING PERMITS/FEEES | 25 |
| 2-01-02 | REGULATING ISSUANCE OF BUILDING PERMITS | 28 |
| 2-01-04 | NUMBERING OF BUILDINGS AND LOTS | 29 |
| 2-01-05 | EXCAVATIONS, HOLES AND WELLS, OPEN | 31 |

**SECTION 3
PUBLIC DISTURBANCE**

| | | |
|---------|------------------------------------|----|
| 2-03-01 | DISORDERLY CONDUCT AND INDECENCY | 33 |
| 2-03-02 | OFFENSIVE NOISE AS PUBLIC NUISANCE | 35 |
| 2-03-03 | AUTOMOBILE TIRES, SQUEALING OF | 36 |

**SECTION 4
ANIMALS**

| | | |
|---------|-------------------------------------|----|
| 2-04-01 | DOGS AND OTHER ANIMALS | 36 |
| 2-04-02 | ANIMAL SHELTER ADOPTION REGULATIONS | 42 |

**SECTION 5
WASTE DISPOSAL**

| | | |
|---------|--|----------|
| 2-05-01 | UNAUTHORIZED DUMPING PROHIBITED -- TRANSFER STATION | 44 45 |
| 2-05-02 | MANDATORY RECYCLING | 48 |

SECTION 6

ENVIRONMENTAL

| | | |
|---------|---|----|
| 2-06-01 | DRAINAGE ORDINANCE | 50 |
| 2-06-02 | EROSION AND SEDIMENT CONTROL ORDINANCE | 50 |
| 2-06-03 | GLOCESTER SUBDIVISION REGULATIONS FLOOD HAZARD AMENDMENT | 60 |
| 2-06-04 | GLOCESTER TREE ORDINANCE | 60 |
| 2-06-05 | ESTABLISHING A WASTEWATER MANAGEMENT DIST. | 69 |

SECTION 7

ROADS

| | | |
|---------|----------------------------|----|
| 2-07-01 | STOP INTERSECTIONS | 76 |
| 2-07-02 | HIGHWAYS, DEPOSIT IN | 77 |
| 2-07-03 | PARKING ORDINANCE | 78 |
| 2-07-04 | RICHARDSON CLEARING TRAIL | 79 |
| 2-07-05 | SNOW CONDITIONS, EMERGENCY | 79 |
| 2-07-06 | SPEED, LIMITS OF | 81 |

SECTION 8

TAXATION

| | | |
|---------|---|----|
| 2-08-01 | TAX EXEMPTIONS / VETERANS, ADJUSTING | 84 |
| 2-08-02 | TAX CANCELLATION | 85 |
| 2-08-03 | TAX EXEMPTION-WHEELCHAIR LIFT/MOTOR VEHICLES | 86 |
| 2-08-04 | TAX EXEMPTION/ELDERLY OR DISABLED PERSONS | 86 |
| 2-08-05 | EXEMPTION/REEVALUATION; REAL PROP. ADJUST. OF | 89 |
| 2-08-06 | TAX EXEMPTION/RETAIL INVENTORY | 90 |
| 2-08-07 | TAX EXEMPTION/WHOLESALE INVENTORY | 92 |
| 2-08-08 | WHOLESALE & RETAIL INVENTORY TAX PHASE OUT | 93 |
| 2-08-09 | WAIVER OF INTEREST ON OVERDUE QUARTERLY TAX PAYMENTS | 95 |
| 2-08-10 | CLASSIFICATION PLAN FOR TAXABLE PROPERTY | 96 |

SECTION 12

LICENSING/REGULATIONS

| | | |
|---------|---|-----|
| 2-12-01 | LICENSING: | 97 |
| 2-12-02 | TAXES MUST BE PAID BEFORE ISSUING OR TRANSFERRING OF A BUSINESS LICENSE(S) | 98 |
| 2-12-03 | CAMPING AND TRAVELING TRAILER PARK | 99 |
| 2-12-04 | CAMPING AND TRAVEL TRAILER PARK, REGULATION | 111 |

| | | |
|---------|--|-----|
| 2-12-05 | PRIVATE DETECTIVES, LICENSING OF | 112 |
| 2-12-06 | EARTH REMOVAL, REGULATION AND LICENSING OF | 116 |
| 2-12-07 | ENTERTAINMENT LICENSES | 122 |
| 2-12-08 | HAWKERS AND PEDDLERS | 124 |
| 2-12-09 | SECOND-HAND DEALERS, JUNK, OLD METALS | 129 |
| 2-12-10 | LIQUOR LICENSE TRANSFER FEE(S) | 132 |
| 2-12-11 | PROHIBITING NUDITY WHERE ALCOHOLIC BEVERAGES ARE SOLD | 133 |
| 2-12-12 | VICTUALING | 134 |
| 2-12-13 | MOBILE-HOMES & HOUSE TRAILERS, USE & LOCATION | 134 |
| 2-12-14 | YARD SALES, SO-CALLED | 140 |

SECTION 14 RECORDS

| | | |
|---------|---|-----|
| 2-14-01 | RECORDS RETENTION | |
| | Article I. Meetings & Hearings | 142 |
| | Article II. Personnel & Payroll Records | 144 |
| | Article III. Public Works, including Engineer, Automotive, Highway and Maintenance, Recycling and Sanitation, Water, Parks & Recreation | 148 |
| | Article IV. Planning Board, Planning & Community Development Records | 164 |
| | Article V. Building, Zoning and Minimum Housing | 169 |
| | Article VI. Police Department | 178 |
| | Article VII. Board of Canvassers | 191 |
| | Article VIII. Municipal Clerks | 201 |
| | Article IX. General Office Administrative Records | 208 |

SECTION 15 RECREATION

| | | |
|---------|--|-----|
| 2-15-01 | PUBLIC RECREATION AREAS | 221 |
| 2-15-02 | OPERATION OF MOTOR BOATS AND OTHER WATER CRAFT | 223 |

SECTION 16 UTILITIES

| | | |
|---------|-----------------|-----|
| 2-16-01 | POLES AND WIRES | 224 |
|---------|-----------------|-----|

SECTION 17 VEHICLES

| | | |
|---------|---|-----|
| 2-17-01 | REGULATING THE PARKING AND STORAGE OF CERTAIN VEHICLES | 225 |
|---------|---|-----|

**CHAPTER III
APPENDIX**

SECTION 1

FEES

| | | |
|---------|-------------------------------|-----|
| 3-01-01 | FEE AND/OR PENALTY | 228 |
| 3-01-02 | AN ORDINANCE RELATING TO FEES | 231 |

SECTION 2

POLICY

| | | |
|---------|---|-----|
| 3-02-01 | POLICY/PROCEDURE FOR ACCESS TO PUBLIC RECORDS | 231 |
| 3-02-02 | CAPITAL PROJECTS POLICY | 232 |
| 3-02-03 | EQUAL EMPLOYMENT OPPORTUNITY POLICY | 232 |
| 3-02-04 | FAIR HOUSING | 235 |
| 3-02-05 | HAZARDOUS MATERIALS RESPONSE | 236 |
| 3-02-06 | GLOCESTER MEMORIAL PARK/POLICY | 248 |
| 3-02-07 | RULES OF PROCEDURE | 249 |
| 3-02-08 | PROCUREMENT POLICY AND REGULATIONS | 253 |
| 3-02-09 | ILLEGAL DWELLING UNITS | 257 |
| 3-02-10 | TOWN HALL POLICY, USE OF | 259 |
| 3-02-11 | SEXUAL HARASSMENT POLICY | 259 |

**CHAPTER I
ADMINISTRATIVE LEGISLATION**

**SECTION 1
GENERAL PROVISIONS**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

1-01-01

CONTINUATION OF PRIOR ORDINANCES

SECTION 1.

The provisions of the 1991 re-codification of the Gloucester Ordinances, including amended Ordinances, so far as they are in substance the same as those Ordinances existing at the time of their amendment or re-codification, shall be considered as continuations thereof and not as new enactments.

SECTION 2.

Each and every Ordinance of the Town of Gloucester in effect as of the date hereof prior to the 1991 re-codification of the Gloucester Ordinances shall remain in full force and effect as part of the re-codification except as specifically modified, amended or repealed.

SECTION 3.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED: December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

1-01-02

OFFICIAL TOWN ROAD MAP

SECTION 1.

Pursuant to Title 45, Chapter 23.1 of the Rhode Island General Laws, as amended, there shall be an official road map of the Town of Gloucester. The establishment of the map, its contents, any additions or changes thereto, and any appeals of decisions made by Town officials in connection therewith, shall be as provided in the General Laws.

SECTION 2. This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: Official Map ADOPTED by Town Council May 12, 1988; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

1-01-03

INDEMNIFICATION OF TOWN OFFICERS

SECTION 1.

With respect to any reasonable costs and expenses, including attorneys fees, and for any judgement or Town-approved settlement arising out of any legal proceeding, it is hereby declared and found by the Town Council of the Town of Glocester (the "Town") to be in the interests of the public welfare and safety for the Town council to have the authority to indemnify, reimburse, defend, advance legal and other related costs, and otherwise hold harmless any appointed or elected municipal officer who is charged or found liable in a legal proceeding with having violated or exceeded his official duties or committed any errors or omissions relating thereto: provided the conduct complained of occurred in the discharge of the person's official duty in a matter in which the Town had an interest, occurred in the discharge of a duty imposed or authorized by law, and was done in good faith.

SECTION 2.

In its discretion, the Town Council may provide for or advance the costs of defending any municipal officer who is charged with violating his official duties or exceeding the scope thereof and the Town may advance or reimburse the costs of any approved settlement or judgement, including legal fees, arising out of any such claim. Provided, however, that in the event that it is proven that the officer acted in bad faith or has committed a crime, or has otherwise been found guilty of conduct which has no legal warrant or basis, the Town has the discretion to refuse to pay any such expenses or judgement and to recover any expenses or costs previously advanced to said officer.

SECTION 3.

In order to indemnify, advance the costs and expenses for, reimburse or otherwise hold harmless any municipal officer or employee for a claim or a loss in connection with the discharge of their official duty, the officer or employee must have been (a) acting in a matter in which the Town had an interest (b) acting in the discharge of a duty imposed or authorized by law, and (c) the officer or employee must have acted in good faith.

SECTION 4.

This Ordinance shall take effect upon passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by Town Council Feb. 27, 1986; CODIFIED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

SECTION 2 BOARDS

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-02-01

BIPARTISAN CANVASSING AUTHORITY

SECTION 1.

In order to facilitate the uniform registration of voters there shall be a Bipartisan Canvassing Authority in the Town of Gloucester.

SECTION 2.

The Town Council of the Town of Gloucester shall appoint such Bipartisan Canvassing Authority. Such Authority shall consist of three qualified electors of said Town, not more than two of whom shall belong to the same political party. The terms of the members of said Authority shall be arranged so that the terms of office of the several members shall expire in different years. Each member shall be appointed to serve for a term of six years beginning on the first Monday in March following the date of his or her appointment and until his or her successor is appointed and qualified. No person shall be appointed or serve as a member of such Authority who is an officer or employee of the United States or of this State or of any city or town of this State. Any member of said Authority who becomes a candidate for election to any public office and who fails to file a declination of candidacy within the time allowed by law, shall be disqualified from holding membership upon said Authority and his successor shall be appointed forthwith by the Town Council, who shall fill any vacancy because of death, resignation or otherwise. For the purpose of receiving registrations, a quorum shall be comprised of one member of the Board; for all other purposes, a quorum shall consist of two members.

SECTION 3.

Every person appointed shall before entering upon his duties be sworn to faithful performance thereof and a record of such oath shall be kept by the Clerk of said Authority.

SECTION 4.

Upon the establishment and by virtue of such establishment, and not prior thereto, of a canvassing authority by the Town Council as required herein, there shall be a transfer of the rights, powers and duties of the Town Council concerning nominations, elections, registration of voters, and canvassing rights, preparing and correcting the list of voters and other matters related thereto to the Canvassing Authority. Nothing herein contained shall be

deemed to affect the powers and duties of the Town Clerk concerning such matters as they are now exercised by him or her pursuant to existing law and the provisions of this statute.

SECTION 5.

The Town Clerk shall be ex-officio the Clerk of the Canvassing Authority, except as may be otherwise provided by law.

SECTION 6.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by Town Council October 15, 1951; CODIFIED December 12, 1991; EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-02-02

BUDGET BOARD

SECTION 1. Establishment.

In accordance with the Home Rule Charter, Article 8, Section 2, there is hereby continued a Budget Board for the Town of Glocester.

SECTION 2. Membership.

The Budget Board shall consist of seven (7) members with an appointed three (3) year term with appointments in January with one member named as Director of Finance. The board members who are first appointed shall be designated to serve for terms of two members for one year, two members for two years and two members for three years respectively. Thereafter, board members shall be appointed as aforesaid for a term of three (3) years with appointments made in January. Appointed members of the board shall be eligible for re-appointment and upon expiration of their term shall continue to serve unless replaced. In the event of a vacancy on the board, interim appointments of appointed members shall be made by the Town Council to complete the unexpired term of such position. If a member of such board shall cease to be a qualified elector and/or resident of the town his/her office shall thereby become vacant.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law. ADOPTED: November 18, 1999, EFFECTIVE: December 6, 1999

Barbara E. Robertson, CMC, Town Clerk

History of Ordinance: ADOPTED by the Town Council November 18, 1999, EFFECTIVE: December 6, 1999

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-02-03

BUILDING CODE BOARD OF APPEALS

SECTION 1. In General.

In accordance with the Rhode Island State Building Code 23-27.3 - 127.21 (eff. 7/1/77), there is hereby continued a Building Code Board of Appeals for the Town of Glocester, Rhode Island.

SECTION 2. Membership.

The Building Code Board of Appeals shall consist of five (5) members with an appointed five (5) year term as per the Enactment, with appointments in June. One (1) shall be an architect. Two (2) shall be professional engineers. One (1) shall be a building official not from the municipality from which the appeal is taken, except that a member of the general public may be substituted for the building official. One (1) shall be a builder or superintendent of building construction.

Appointed members of the board shall be eligible for re-appointment and upon expiration of their term shall continue to serve unless replaced. In the event of a vacancy on the board, interim appointments of appointed members shall be made by the Town Council to complete the unexpired term of such position. If a member of such board shall cease to be a qualified elector and/or resident of the town his/her office shall thereby become vacant.

SECTION 3. Powers and Duties.

The Building Code Board of Appeals shall have all the powers and duties which are set forth in Title 23, Chapter 27.3 of the General Laws of Rhode Island as amended so as to enable it to enforce the State Building Code.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law. ADOPTED: November 18, 1999, EFFECTIVE: December 6, 1999

Barbara E. Robertson, CMC, Town Clerk

History of Ordinance: ADOPTED by the Town Council November 18, 1999, EFFECTIVE: December 6, 1999

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-02-04

PERSONNEL POLICY-PERSONNEL BOARD

SECTION 1. Organization.

There shall be a personnel board consisting of three (3) members who shall be appointed by the Town Council for terms concurrent with the terms of the Town Council. No more than two (2) members for the board shall be members of the same political party. The members appointed shall serve for terms concurrent with that of the Town Council. The Council shall, within forty-five (45) days, fill any vacancy which may occur on the personnel board for the unexpired term. Members shall be eligible for reappointment. Members of the board shall serve with their compensation, if any, to be set by the Town Council.

SECTION 2. Powers and Duties.

It shall be the duty for the personnel board, within one (1) year of appointment, to recommend rules and regulations for:

1. A position classification plan for all Town employees. The plan shall define generally the duties, responsibilities, and types of work involved for each class of position; the skills and knowledge necessary for each position; and the minimum qualifications necessary to qualify for appointment to each position and the positions or classes of positions to which competitive examinations shall apply and those to which noncompetitive or qualifying examinations shall apply.
2. A pay plan for all town employees in the classification plan.
3. Personnel policies regarding vacation, sick leave, holidays, overtime, provisional, part-time and temporary appointments, and other regulations necessary to the administration of the Town personnel system.

SECTION 3. Recommendations.

The personnel board shall submit its recommendations to the personnel director who shall forthwith submit them to the Town Council along with his/her comments and recommendations.

SECTION 4. Action by the Council.

Upon receipt of said recommendations, the Council shall forthwith hold public hearings upon proposed rules and regulations, and thereafter adopt such rules and regulations as will provide for the Town a comprehensive plan for recruiting and advancement of employees on the basis of merit, and provide for conditions of employment, enumeration and retirement.

Section 5. IMPLEMENTATION.

After the adoption of the position classification plan and the pay plan by the Town Council, the personnel board shall certify to the Town Council that persons who are candidates or applicants for available Town positions have the qualifications required by the position classification plan. The personnel board shall submit to the Town Council the names of three (3) persons who stand highest in qualifications on the certification list and are available for employment or promotion.

SECTION 6. Dismissals, Demotions, Suspensions.

Unless otherwise provided in a collective bargaining agreement, when an employee is dismissed, demoted

or suspended, said employee shall be entitled to file an appeal with the personnel board within ten (10) days. If the employee chooses to appeal to the personnel board, and after the investigation and hearing, the personnel board overturns the personnel director's decision, then the employee shall have all wages and benefits reinstated which have accrued during the course of the appeal proceedings.

The personnel director or the employee may appeal the personnel board's decision, in writing, to the Town Council within ten (10) days of such decision. Within twenty (20) days from the filing of such appeal, the Council shall give the person making the appeal and opportunity for a hearing before the Town Council. It shall be public at the option of the person making the appeal. After such hearing, the decision of the Town Council shall be final and binding.

SECTION 7. Union Agreements.

Nothing in this article is to be interpreted as altering agreements reached through negotiation between the Town and any recognized unions and associations of employees relative to prescribed procedures of appeal and arbitration of grievances.

SECTION 8. Search Committees.

Whenever it shall be deemed necessary to form a search committee for the purpose of selecting individuals for positions within the Town of Glocester, the chairman of the personnel board, or his/her designee, shall be a voting member of such search committee.

This Ordinance shall take effect upon its passage. ADOPT: Dec.12,1991 EFFECT: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPT. by Town Council on Dec. 12, 1991 EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-02-05

PLANNING BOARD

SECTION 1. Establishing Authority.

In accordance with Title 5, Chapter 22 of the General Laws of Rhode Island as amended, there is hereby continued a planning board for the Town of Glocester, Rhode Island.

SECTION 2. Membership of the Planning Board.

The Planning Board shall consist of seven (7) members who are electors in the Town of Glocester, who shall serve each for a term of five years. Appointments shall be made by the Glocester Town Council such that no more than one third (1/3) of the membership of the Board shall expire each year.

A vacancy in the membership of the Board shall be filled by the Town Council for the remainder of the unexpired term. Any Planning Board member may be removed by the Town Council for due cause following a

public hearing.

SECTION 3. Compensation.

Members of the Planning Board may receive such compensation as set by the Gloucester Town Council within the limitations of funds appropriated for this purpose. The Board members may be reimbursed within the limitations of funds appropriated for expenses incurred in the performance of their duties.

SECTION 4. Organization of the Planning Board.

The Planning Board shall organize annually by electing from its membership a Chairman, Vice Chairman and a Secretary. The Planning Board may adopt By-Laws for the performance of the duties prescribed in this Ordinance.

SECTION 5. Technical Assistance.

Within the limits of the funds appropriated for its use, the Planning Board may engage technical or clerical assistance to aid in the discharge of its duties. The Planning Board may, subject to confirmation of the Gloucester Town Council and within the limits of the funds appropriated to it, enter into cooperative agreements with private, state, regional or federal agencies for technical assistance and studies deemed to be in the best interest of the community.

SECTION 6. Duties of the Planning Board.

- A. The Planning Board shall prepare and adopt a comprehensive plan for the future development of the Town. Such plan shall, among other things, show the proposed arrangement of land uses, transportation facilities, public facilities, utility systems, deteriorating neighborhoods planned for rehabilitation, redevelopment or renewal and natural resources and historic sites to be preserved. The Planning Board shall hold public hearings on the comprehensive plan or elements thereof. The Planning Board shall adopt the comprehensive plan or elements thereof as a guide to the Planning Board actions related to the features contained in the plan. The Gloucester Town Council may by the affirmative vote of two thirds (2/3) of its membership and following a public hearing, adopt a comprehensive plan or any portion thereof previously adopted by the Planning Board and recommended by the Town Council by the Planning Board. Adoption of such a comprehensive plan or portion thereof by the Town Council shall bind said Council to this plan or portion thereof in any future action related to the features in the plan. The comprehensive plan or portion thereof may be modified or amended by the Gloucester Town Council following a public hearing. At least thirty (30) days prior to the date of public hearing said modification or amendments shall be referred to the Planning Board for an advisory opinion. Failure of the Planning Board to forward a recommendation to the Town Council within this thirty (30) day period shall be deemed an approval of the modification or amendment by the Planning Board. The affirmative vote of at least two thirds (2/3) of the Town Council shall be necessary to enact any modification or amendment to the comprehensive plan or element thereof where the Planning Board has rendered an adverse decision. The Board shall, at intervals no greater than five years, review the comprehensive community plan or elements thereof and make any modifications, amendments, or

additions deemed necessary in light of current and projected community development trends and needs.

- B. The Planning Board shall make studies of the resources and needs of the Town with reference to its physical, economic, and social growth and development as effecting the health, safety, morals and general welfare of the people. Such studies, plans and reports may concern among other things the following:
1. land use and land use regulation.
 2. transportation facilities.
 3. public utilities.
 4. public facilities and site locations including recreation areas, schools, fire, police and other principal structures and developments.
 5. blighted areas including plans for redevelopment, renewal, rehabilitation or conservation.
 6. problems of housing and the development of housing programs.
 7. natural resource conservation.
 8. environmental protection.
 9. protection from disaster.
 10. economic and sociological characteristics.
 11. preservation of historic sites and buildings.
 12. economic development.
- C. The Planning Board shall submit an advisory opinion and recommendation on all zoning matters referred to it or any other matter referred to it by the Town Council.
- D. The Planning Board shall have the authority to call upon other departments, boards and committees of the Town of Gloucester and upon regional, state and federal agencies for assistance in the performance of its designated functions and shall cooperate with such city or town, regional, state and federal agencies for assistance in the performance of its designated functions and shall cooperate with such city or town, regional, state and federal agencies on matters of community, regional and state planning.
- E. The Planning Board shall carry out such other duties as may be assigned to said Board from time to time by any act of the General Assembly or by any ordinance, code, regulation, order or resolution of the Town Council.

SECTION 7. Reports.

The Planning Board shall submit an annual report to the Town Council summarizing the work of the preceding year and recommending programs, plans and actions for future development. A copy of the annual report shall be forwarded to the Rhode Island Department of Community Affairs. All studies, plans, and reports of the Planning Board shall be submitted to the Town Council and to any other designated agency or official and thereafter, upon approval of the Town Council may be published for general distribution.

SECTION 8. EFFECTIVE Date.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council October 10, 1975; AMENDED April 17, 1979; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-02-06

PLANNING BOARD

1. That the Planning Board of the Town of Gloucester be and hereby is authorized to adopt regulations governing land development and subdivision projects within the Town of Gloucester in substantially the form filed in the minutes of the Town Council Meeting of November 16, 1995;
2. That the Planning Board of the Town of Gloucester be and hereby is authorized to modify and amend said land development and subdivision regulations in form and manner not substantially inconsistent with the form filed in the minutes of the Town Council Meeting of November 16, 1995;
3. That the Planning Board of the Town of Gloucester be and hereby is authorized to enact rules and otherwise to provide for the administration, interpretation and enforcement of said land development and subdivision regulations;
4. That the Zoning Board of Review of the Town of Gloucester be and hereby is appointed and established as the Board of Appeal under said land development and subdivision regulations; and
5. That this Ordinance was ADOPTED and shall take effect on November 16, 1995.

Barbara E. Robertson, CMC, Town Clerk

History of Ordinance: ADOPTED by the Town Council on November 16, 1995, EFFECTIVE: November 16, 1995.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-02-07

GLOCESTER LAND TRUST TRUSTEES

SECTION 1. Establishment.

In accordance with the Home Rule Charter, Article 8, Section 9 and Rhode Island Public Laws Chapter 548, as established July 1, 1987 there is hereby continued a Gloucester Land Trust Trustee Board for the Town of Gloucester, Rhode Island.

SECTION 2. Membership.

The Gloucester Land Trust Trustee Board shall consist of seven (7) trustees, five (5) of whom shall be appointed by the Town Council. The trustees who are first appointed shall be designated to serve for terms of one, two, three, four and five years respectively. Thereafter, trustees shall be appointed as aforesaid for a term of five (5) years with appointments made in February. In addition to the five (5) trustees appointed by the Town Council, the current chairperson or member designee of the Conservation Commission and the Planning Board shall also be trustees with a one (1) year term with appointments in February. Trustees shall be electors of the Town of Gloucester, shall serve without compensation and shall hold office until their successors have been named.

such board shall cease to be a qualified elector and/or resident of the town his/her office shall thereby become vacant.

SECTION 3. Officers.

The members of the Board shall elect a chairperson, vice-chairperson, and treasurer from amongst its members. The trustees shall elect or appoint a secretary who need not be a voting member of the trust. The term of the office of the chairperson, vice-chairperson, treasurer and secretary, unless otherwise prescribed by the Town Council, shall be for the calendar year.

SECTION 4. EFFECTIVE Date

This Ordinance shall take effect upon its passage and publication as required by law. ADOPTED: November 18, 1999, EFFECTIVE: December 6, 1999

Barbara E. Robertson, CMC, Town Clerk

History of Ordinance: ADOPTED by the Town Council November 18, 1999, EFFECTIVE: December 6, 1999

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

1-02-10

HOUSING BOARD OF REVIEW

SECTION 1.

Pursuant to Title 45, Chapters 24.2-5 and 24.3-16 of the Rhode Island General Laws, as amended, the Zoning Board of Review of the Town of Gloucester is hereby also appointed as the Housing Board of Review to hear all appeals taken pursuant to Title 45, Chapter 24.3-21 of the Rhode Island General Laws, and to perform such other functions which as are allowed and/or required to be performed by a Housing Board of Review under law.

SECTION 2. This Ordinance shall take effect upon its passage. ADOPTED: Dec. 16, 1993, EFFECTIVE: Jan. 13, 1994.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council December 16, 1993; EFFECTIVE January 13, 1994.

SECTION 3 COMMISSION

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-03-01

ESTABLISHMENT OF CONSERVATION COMMISSION

SECTION 1.

In accordance with the provisions of Rhode Island General Laws § 45-35-1, there is established a Conservation Commission consisting of seven members residing in the Town to be appointed by the Council. As terms expire, appointments, other than interim appointments, shall be for terms of three years, and shall commence in the month of January. Said Commissioners shall continue to hold their respective offices until their successors are qualified. Members of said Conservation Commission shall serve without pay. The Recording Clerk shall be approved by said Commission and appointed by the Town Council. In event of a vacancy, interim appointments may be made by the appointing authority to complete the unexpired term of such position.

SECTION 2.

At least three members of the Commission must, if possible, be members of duly incorporated and existing wildlife, conservation, sportsmen horticultural, or like organizations. Such organizations may present lists of qualified citizens to the Town Council for consideration when new or interim appointments must be made.

SECTION 3.

Said Commission may receive gifts of funds, lands, buildings or other properties in the name of the municipality, subject to the approval of its Council, and thereafter shall manage same in accordance with the purposes set forth in this Act. However, such power shall not be construed to deny the people access to said lands for all legitimate purposes. No municipal corporation may deny or restrict to the people free access to said lands, or to any other land held by or for the municipality for recreation purposes.

SECTION 4.

All meetings of the Commission shall be open to the public and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision. All records of its proceedings, resolutions, and actions shall be open to public view.

SECTION 5.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by Town Council January 12, 1962; AMENDED May 10, 1990; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-03-02

RECREATION COMMISSION

SECTION 1.

There is hereby continued, under Rhode Island General Laws § 32-3-4, as amended, and ARTICLE XIII, Section 8 of the Gloucester Home Rule Charter, a Recreation Commission having five (5) regular members who shall be appointed by the Town Council. In addition, there shall be three ex-officio members, one each from the Town Council, School Committee and Conservation Commission. The terms of all members shall be concurrent with the term of the Town Council.

SECTION 2.

Members of the Commission sitting at the time of passage of this Ordinance shall remain until the expiration of the current Council term.

SECTION 3.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E.. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council June 26, 1969; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

1-03-03

ADVISORY SAFETY COMMISSION

SECTION 1. MEMBERS.

There is hereby continued a Gloucester Safety Commission ("the Commission") consisting of no more than ten (10) members appointed by the Town Council for terms concurrent with the term of the Council. Each of the following Town departments, agencies or organizations shall be represented on said Commission:

- (a) police;
- (b) civil defense;
- (c) public works; and
- (d) each Village fire company.

The Commission shall appoint from its membership a chairman and may designate by rules, regulations, or by-laws such other officers and procedures not inconsistent with this ordinance or other laws as may be necessary to carry out its duties and responsibilities. All such rules, regulations, and by-laws must be approved by a majority of the Town Council before they become EFFECTIVE.

SECTION 2. POWERS.

The Commission is hereby endowed with full authority and power to perform and carry out the following duties and responsibilities:

- (a) advise and make recommendations to the Town Council from time to time with respect to all matters pertaining to public safety in the Town of Gloucester including, but not limited to: fire, traffic, weather-related conditions, water safety, civil defense, emergency preparedness, structural and safety soundness of buildings, and other areas which may similarly impact upon public safety;
- (b) analyze and collect all data necessary to measure, ascertain, and make recommendations concerning the detection and correction of existing safety problems and the prevention of future safety problems in the Town;
- (c) upon prior written authorization obtained from the Town Council, make reasonable inspections of all premises and places to which the general public has access, and, upon prior written authorization obtained from the Town Council and a warrant, make reasonable inspections of private premises and places in the Town where public safety may be affected. Such authorization shall not be granted unless there is probable cause to believe that safety problems exist thereon or that there are other reasonable grounds for inspection. Reasonable grounds for inspection will be deemed to exist where the Safety Commission requests permission to make an annual inspection of premises, places, or areas whose condition may adversely affect public safety;
- (d) establish rules and regulations governing the use of public highways by vehicles and pedestrians within the limits established by Section 31-12-12 of the General Laws of Rhode Island, as amended, including but not limited to the installation of traffic control devices; regulating the standing or parking of vehicles; designation of through-way and stop streets; creation of crosswalks and safety zones; regulation of the speed of vehicles as authorized in Sections 31-14-5 and 31-14-6 of the Rhode Island General Laws; designation of emergency snow removal routes, emergency no parking zones and streets at which drivers shall not make right or left turns;

- (e) function as the Town's Emergency Response Commission, which will work when necessary with the State Emergency Management Agency. Said Commission shall, in the event of natural or man-made emergencies, determine whether disaster assistance is needed by evaluating:
 - 1. casualties
 - 2. commercial/residential destruction
 - 3. commercial/residential damage
 - 4. flooded areas
 - 5. possibility of additional flooding;
- (f) carry out special assignments from the Town Council relating to matters of public safety.

SECTION 3. PURPOSE.

The purpose of the establishment of a Safety Commission is to create a public body whose primary responsibility is to advise the Town Council on matters affecting the safety of the Town and its residents.

SECTION 4. QUORUM.

The presence of five (5) members shall constitute a quorum for purposes of any meeting of the Commission and the concurrence of at least a majority of those present at Commission meetings shall be necessary for purposes of authorizing any official action of the Commission and for forwarding official recommendations or advice to the Town Council pursuant to this Ordinance.

SECTION 5. EXISTING LAWS PERTAINING TO SAFETY.

All existing laws, ordinances, rules, and regulations pertaining to safety shall remain in full force and effect.

SECTION 6. SEVERABILITY.

The sections of this Ordinance and each provision and part thereof are hereby declared to be severable and independent of each other, and the holding of a section, or part thereof, or the application thereof to any person or circumstance, to be invalid, in effective, or unconstitutional shall not affect any other section, provision or part thereof, or application of any section, provision, or part thereof, to any other person or circumstances.

SECTION 7. EFFECTIVE DATE.

This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED October 8, 1971; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992

**SECTION 4
COMMITTEES**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-04-01 **COMPREHENSIVE COMMUNITY PLAN COORDINATION COMMITTEE**

SECTION 1. Establishment.

As established by the Town Council, July 21, 1994 there is hereby continued a Comprehensive Community Plan Coordination Committee (CCPCC) for the Town of Gloucester, Rhode Island.

SECTION 2. Purpose.

To oversee conduct of each task as it relates to the Comprehensive Community Plan Work Program 1994-1999 and report the progress to the Town Council at the monthly Town Council Agenda Meetings. Amended July 16, 1998 to continue until July 2000.

SECTION 3. Membership.

The Comprehensive Community Plan Coordination Committee shall consist of seventeen (17) members with an appointed two (2) year term. Appointments shall be made in July. There shall be one (1) representative from each of the following boards, commissions or committees: Historic District Commission, Planning Board, Budget Board, Gloucester Economic Development Commission, Wastewater Management Commission, Town Council, Recreation Committee, Gloucester Housing Authority, Gloucester Land Trust Trustees, Western Rhode Island Home Repair Board, Zoning Board, the Department of Public Works, Gloucester School Committee, Conservation Commission and Safety Commission as well as the Town Planner and Town Building Official. Appointed members of the committee shall be eligible for re-appointment and upon expiration of their term shall continue to serve unless replaced. In the event of a vacancy on the committee, interim appointments of appointed members shall be made by the Town Council to complete the unexpired term of such position. Seven (7) members shall constitute a quorum.

AMENDED: July 16, 1998. The Comprehensive Community Plan Coordination Committee shall consist of twelve (12) members with an appointed two (2) year term. The Comprehensive Community Plan Coordinating Committee as follows: the Chair or designee of the Historic District Commission, Planning Board, Budget Board, Economic Development Commission, Wastewater Management District Board, Recreation Commission, Western Rhode Island Home Repair Program, Zoning Board of Review, Gloucester School Committee, Housing Authority, Land Trust, and the Conservation Commission; terms to expire July 2000.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law. ADOPTED: November 18, 1999, EFFECTIVE: December 6, 1999

Barbara E. Robertson, CMC, Town Clerk

History of Ordinance: ADOPTED by the Town Council November 18, 1999, EFFECTIVE: December 6, 1999

**SECTION 5
COURTS**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

1-05-01

PROBATE COURT ORDINANCE

SECTION 1. JUDGE OF PROBATE.

A Judge of Probate for the Town of Glocester shall be appointed by the Town Council for a term concurrent with that of the Council. The Judge of Probate shall be an attorney admitted to practice before the Supreme Court of the State of Rhode Island, and have been engaged in the practice of law in the State of Rhode Island for at least five years prior to his appointment.

SECTION 2. VACANCIES.

Whenever the Judge of the Probate Court of this Town shall be unable to sit, or shall be absent, or shall be disqualified from sitting in any action or proceeding within his jurisdiction, then the Town Solicitor shall serve as Acting Judge of the Probate Court, and if the Town Solicitor be likewise absent, disqualified, or disqualifies himself, then the Judge of the Probate Court of any neighboring town may serve as Acting Judge of the Probate Court of the Town of Glocester, for said action or proceeding.

SECTION 3. SALARY.

The Judge of Probate shall receive such salary as fixed by the Town Council annually in the month of July within the amount appropriated by the preceding annual Financial Town Meeting.

SECTION 4. PROBATE CLERK.

The Town Clerk of the Town of Glocester shall act as Clerk of the Probate Court.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council April 14, 1972; AMENDED August 11, 1972; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

**SECTION 6
DEPARTMENTS**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

1-06-01

POLICE

SECTION 1.

The Town Council shall increase or diminish the number of such police officers, whenever and as often as the electors of the Town of Gloucester qualified to vote on any proposition to impose a tax for the expenditure of money, shall at the annual Town Financial Meeting, vote that the number of the Town police officers shall be increased or diminished, and shall appropriate the necessary sum therefore; except that the Town Council can vote to increase the number of permanent police officers if the Town has no direct financial responsibility towards paying the salary or salaries of those new appointments, or if the appointment of additional police officers does not exceed the current amount appropriated to the Gloucester police department by the duly-qualified electors of the Town at the annual Town Financial Meeting.

SECTION 2.

If any provision of this Ordinance or the application thereof is held invalid, the validity of the remainder of this Ordinance shall not be effected thereby.

SECTION 3.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED October 11, 1974; AMENDED October 11, 1979; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

**ESTABLISHING A FOSTER/GLOCESTER REGIONAL
JUVENILE HEARING BOARD**

SECTION 1. BOARD ESTABLISHED.

There is hereby established within the Towns of Foster and Gloucester, a regional Juvenile Hearing Board with the powers set forth in this article and said statute for the purpose of hearing all cases referred to such Board by the Chief of Police, or his designee, from the Towns of Foster and Gloucester, involving persons under the age of (18)

eighteen years, who are charged with violating the criminal laws of the State of Rhode Island and said Towns, including wayward, misdemeanor and status offenses and violations of local Town Ordinances and the provisions of R.I.General Laws 16-19 regarding compulsory school attendance.

Referrals to the Juvenile Hearing Board will be made by the Chief of Police or his designee. Referral to said Juvenile Hearing Board shall not be offered to any juvenile:

- a) Who has been charged with the crime of assault or battery, unless specifically approved by the Chief of Police of the Towns of Foster and Glocester.
- b) Who has been accused of a controlled substance offense, except for the possession of alcohol, unless specifically approved by the Chief of Police of the Towns of Foster or Glocester.
- c) Who shall have been twice previously referred to said Board or who shall have been once previously referred to said Board and refused or failed to abide by the sanctions imposed or to make restitution recommended by said Board, or
- d) Who at the time of the alleged commission of such juvenile offense was within the custody and control of the Family Court, not to include guardianship matters.

The board, after investigation, may refuse to hear any case in which it appears that a juvenile was wrongfully referred in violation of this ordinance and the statute. In addition, the Board may refuse to hear any case in which the juvenile refuses to supply the Board with requested information, fails to appear when requested or refuses to cooperate with the proceedings of the Board. The Board shall immediately notify the Chief of Police from the applicable jurisdiction, in writing, of any case it refuses to hear, and the Chief of Police shall take whatever further action he/she deems necessary, including referral to Family Court.

SECTION 2. POWERS AND DUTIES.

- (a) The Juvenile Hearing Board shall hear all cases referred to it by the Chief of Police or his designee and shall determine whether there is reasonable cause to believe that the person so referred has committed the offense alleged and whether such person shall be disciplined as a result thereof. A further condition of referral is that the juvenile admits to his/her involvement in the incident and waives his/her rights pursuant to said statute. In making such determination, the Juvenile Hearing Board shall not be bound by the customary rules of evidence, and may consider all probative and relevant evidence whether or not such evidence would be admissible in a court of competent jurisdiction. In those cases in which the Juvenile Hearing Board shall determine that there is reasonable ground to believe that the offense was committed by the person so charged and that such person should be disciplined, it shall recommend sanctions (other than incarceration) and may direct restitution, including without limiting the generality of the foregoing, an attempt to provide with cooperation of the town administrator or the superintendent of schools suitable service to the Towns of Foster and Glocester. In any such proceeding the Juvenile Hearing Board, prior to imposing sanctions, shall request the juvenile offender and his parents to agree to the sanctions imposed, and the amount of restitution and manner of making the

same. In ordering restitution, the Juvenile Hearing Board shall take into account the juvenile offender's ability to pay, and the amount of actual damage caused as a result of the commission of such offense.

- (b) Sanctions imposed by the Board shall be for a period of time not to exceed six (6) months and may consist of, but not be limited to: community service, reasonable restitution, direct work service for the victim, letters of apology, curfews, referrals for counseling and intervention services, alternative dispute resolution programs, driving license restrictions, etc. The sanctions or conditions set forth shall be in writing, clearly understood by the juvenile and his or her parents/guardian and a signed copy shall be provided to them. The specific sanctions shall be completed within sixty (60) days except with regard to school related and counseling issues. If sanctions are not agreeable to the juvenile or parents/guardian, the offense complaint shall be returned to the referring person who in turn may refer the matter to Family Court. If a referral is made to Family Court under such conditions, a notation shall be included to inform the Court of the action of the Juvenile Hearing Board to try to resolve the matter and the reasons why this was unsuccessful. Likewise if a juvenile fails to comply with the agreed upon sanctions, without good cause, the action of the Juvenile Hearing Board may be vacated and the matter referred the matter to Family Court with a notation to that effect. The Juvenile Hearing Board shall provide the Chief Judge of the Family Court with an annual report as to their activity.

SECTION 3. ADMINISTRATION

The membership of the Regional Juvenile Hearing Board shall consist of seven (7) persons and two (2) alternates over the age of eighteen (18) years of age, all of whom shall have been residents of the respective Towns at least three (3) years, and none of whom shall be attorneys admitted to practice before the Supreme Court of the State of Rhode Island. The Board shall consist of citizens of Foster and Glocester who have a background in or related to the fields of education, probation and parole, human services, community youth programs, or who are members of the clergy, former law enforcement or judicial officials or citizens who the Council deems have the credentials that would be an asset to the board. The Town Councils shall appoint seven (7) members as follows: three (3) members from the Town of Foster, four (4) members from the Town of Glocester. The two (2) alternates will be comprised of one (1) Foster representative and one (1) Glocester representative. The Juvenile Justice Planning committee shall be asked to comment on all proposed appointments. Each Town Council shall appoint a member whose term shall expire on September 30, 2000 and who shall serve thereafter until his/her successor is appointed and qualified; a member whose term shall expire on September 30, 2001 and who shall serve thereafter until his/her successor is appointed and qualified; and three (3) members, (2) from Glocester and (1) from Foster, whose terms shall expire on September 30, 2002 and who shall serve thereafter until their successors are appointed and qualified. The two (2) alternates shall be appointed for a period of one (1) year terms to expire on September 30th. During the month of August and annually thereafter, the Foster and Glocester Town Councils shall appoint a member or members to succeed the member or members whose terms will next expire, to serve for a term of three (3) years, commencing on the first day of October, and thereafter until their successors are appointed and qualified. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, such vacancy shall be filled in like manner as the original appointment, but only for the remainder of the term of the former member. No member of the Regional Juvenile Hearing Board shall be entitled to receive any compensation by reason of his or her service on the board.

SECTION 4. APPLICATION

This article shall apply to all juveniles alleged to have committed an offense after (Insert Date).

SECTION 5. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon passage of the enabling statute and enactment of an ordinance by the Town of Foster.

Barbara E. Robertson, CMC, Town Clerk

History of Ordinance: ADOPTED by the Town Council December 16, 1999; EFFECTIVE: January 11, 2000.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

1-06-03

AN ORDINANCE PROVIDING FOR THE RETIREMENT OF INCAPACITATED POLICE OFFICERS

NOW, THEREFORE, it is hereby enacted as follows:

SECTION 1.

Any Police Officer, as defined in Sec. 45-19-1, Gen. Laws of Rhode Island, who shall be absent from his/her regular employment as a police officer for a period of twelve (12) months by reason of injuries received or sickness contracted in the performance of his/her duties shall be deemed physically unfit for duty and shall be required to retire from the department and will be entitled to retirement benefits (if any) as may be available under applicable law. A police officer shall immediately upon the expiration of such twelve (12) month period apply for disability or regular retirement, as eligible. Said police officer shall pay to the Town any retirement benefits received for the period from the date of application to the date of termination of employment.

SECTION 2. Act Effective When

This ordinance shall take effect upon passage by the Town Council and shall apply to any Injured On Duty Claims filed prior to and after the date of passage.

Jean M. Fecteau, Town Clerk

History of Ordinance: ADOPTED by the Town Council August 15, 2002; Effective August 15, 2002

**SECTION 9
MEETINGS**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-09-01

AN ORDINANCE GOVERNING ABSENCES FROM APPOINTED BOARDS

SECTION 1.

Whenever a member of any board, commission, or other appointed body, the members of which have been, or are, appointed by the Gloucester Town Council, is absent from a duly scheduled meeting of such board, commission or body three times in succession, or is absent from such meetings comprising one-half or more of such meetings of such board, commission or body during any given calendar year, the chairman or presiding officer of such board, commission, or other body shall notify the Town Council in writing of such fact, and give a copy of the same notice to the individual concerned. This notice will also state the town council will consider such notice at its next regularly scheduled meeting.

SECTION 2.

At the next regularly scheduled meeting the Town Council will ask for an explanation from such individual, provided that such person has not already offered his resignation to the Town Council, and if the Town Council is not fully satisfied by such explanation it may, in its full discretion, remove such person from membership of such board, commission or body.

SECTION 3.

This Ordinance shall take effect upon passage, and will pertain only to absences subsequent to such date ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by Town Council November 12, 1976; CODIFIED December 12, 1991, EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

1-09-02

NOTICE OF TOWN COUNCIL AND OTHER TOWN MEETINGS

SECTION 1.

No meeting of the Town Council or of any municipal Board, agency, Commission, Authority or Committee shall be held without reasonable prior notice to the public and to all members of such Town Council, Board, Commission, Authority or Committee.

SECTION 2.

The person or persons calling a meeting of the Town Council, or any Board, Commission, Authority or Committee shall give or cause to be given reasonable prior notice of such meeting to the public and to all members of such Town Council, Board, Commission, Authority or Committee.

SECTION 3.

Notice to the public shall be made by posting written notice of the time, date and place of the meeting in a prominent place of public view in the Town Hall, at least forty-eight hours prior to the meeting.

SECTION 4.

Notice to a member shall be given in person, by direct telephone contact, or by delivery of written notice of the time, date and place of the meeting to the member.

SECTION 5.

Notice of regularly scheduled meetings may be given annually or periodically as the schedule of such meetings is established.

SECTION 6.

Notwithstanding anything in this Ordinance to the contrary, notice of emergency meetings shall be given in such manner as the emergency conditions may reasonably dictate.

SECTION 7.

Each deliberate failure or refusal of an individual to give notice to the public or to a member as required by this Ordinance shall be punishable by a fine as provided in Section 1 of the Appendix.

SECTION 8.

Noncompliance with this Ordinance shall not, in and of itself, affect the validity of any actions taken at any otherwise lawful meeting.

This Ordinance shall take effect on its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council December 11, 1986; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

**CHAPTER II
GENERAL LEGISLATION**

**SECTION 1
BUILDINGS**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-01-01

BUILDING PERMITS

SECTION 1. Application, Fees.

- (a) Any person contemplating the erection, extension, alteration or repair, moving or demolition of a structure or contemplating the structural alteration, reroofing, electrical wiring or installation of plumbing or mechanical equipment, in an existing or new structure shall make application for a permit on the prescribed forms in the office of the Building Official. Said application shall be submitted prior to the start of construction and shall be accompanied by a fee according to the following schedule:

- (1) For a permit for the construction, alteration, removal, demolition, equipment, electrical work, signs, fire escapes, swimming pools, etc., and moving buildings, the fee shall be as follows:

| BUILDING FEES | <u>VALUATION</u> | <u>FEE</u> |
|---------------|-----------------------|------------------------------------|
| \$ | to \$ 1,000. | \$ 25.00 |
| \$ | 1,001. to \$ 10,000. | \$ 25.00 plus \$10.00 per thousand |
| \$ | 10,001. to \$100,000. | \$115.00 plus \$ 5.00 per thousand |
| \$ | 100,001. and above | \$565.00 plus \$ 3.00 per thousand |

- (2) Permit fees are based on valuation of current construction cost per square foot of floor area as determined by the Building Official. There shall be available in the Building Official's office a schedule of current construction costs according to the following categories:

1st Floor of building

2nd Floor of building
 3rd Floor of building
 Unfinished 2nd floors, etc.
 Finished basements
 Unfinished basements
 Garages
 Barns
 Breezeways and enclosed porches
 Open porches
 Sheds
 Swimming Pools - Inground
 Swimming Pools - Aboveground
 Wooden decks

- | | | |
|-----|---|---------|
| (3) | Electrical Permits: | |
| | Minimum fee for values 0 to \$1,000.00 | \$25.00 |
| | Plus, per \$1,000.00 cost or fraction thereof | \$10.00 |
| (4) | Plumbing permits: | |
| | Minimum fee for values 0 to \$1,000.00 | \$25.00 |
| | Plus, per \$1,000.00 cost or fraction thereof | \$10.00 |
| (5) | Mechanical Permits: | |
| | Minimum fee for values 0 to \$1,000.00 | \$25.00 |
| | Plus, per \$1,000.00 cost or fraction thereof | \$10.00 |
| (6) | Demolition or Moving Permits: flat fee | \$20.00 |
| (7) | Woodstove permits: flat fee | \$10.00 |
| (8) | Sign permits: | |
| | Base fee | \$20.00 |
| | Plus, per square foot in excess of 10 square feet | \$ 2.00 |
| (9) | Reinspection fee per failed or rejected | |
| | Electrical, Plumbing or Mechanical inspection | \$20.00 |

***reinspection fee will apply if an Inspector is locked out of a house after inspection has been requested and arrangements for access to project were made with Building Official's Office.

- | | | |
|------|--|----------|
| (10) | Commercial: | |
| | Permit fees for gasoline stations: the fees for the erection of gasoline station buildings or alterations of gasoline stations shall be the amount specified in the "Schedule of Permit Fees" and in addition: | |
| | For each gas pump | \$100.00 |
| | For each tank for petroleum products | \$ 50.00 |
| (11) | Late Filing Fee as Follows: | |
| | 1st offense: | |
| | double the standard fee in the Section entitled BUILDING PERMIT - Application; fees (a) (1) through (a) (8) AND/OR UP TO A \$500.00 FINE. | |
| | 2nd offense: | |

triple the standard fee in the Section entitled BUILDING PERMIT - Application; fees (a) (1) through (a) (8) AND/OR UP TO A \$500.00 FINE.

- (12) No Building Permit shall be issued by the Building Official unless all past due taxes, assessments, fines or fees on the real estate thereon, due to the Town, have been paid. Notification of such shall be evidenced by a certificate executed by the Tax Collector or Deputy Tax Collector.

AMENDED: (13) Permit fees for libraries, fire departments, police departments, municipal buildings and public schools shall be waived. Inspection fees for each inspection for electrical, plumbing, and mechanical shall be required.

AMENDED by the Town Council April 15, 1993 and EFFECTIVE May 12, 1993.

AMENDED (14) There shall be no refund, in whole or in part, of any fee relating to the application for building, electrical, plumbing or mechanical permit(s).

AMENDED by the Town Council March 17, 1994 and EFFECTIVE April 14, 1994.

SECTION 2. Permits for the Construction of New Buildings.

(a) No permit for the erection of any building shall be issued unless the building lot abuts a street which has been placed on the official road map of the Town giving access to the proposed structure. In addition, before a building permit may be issued, on a non-Town road (street), such street and the part of the street abutting the building lot shall have been certified by the Gloucester Planning Board to be suitably improved in accordance with standards for street design contained in the Gloucester Subdivision Regulations, or such suitable improvements shall have been assured by means of a performance guarantee, in accordance with rules and regulations adopted by the Gloucester Planning Board.

Such certification by the Gloucester Planning Board shall be subject to final approval by the Gloucester Town Council.

(b) Where enforcement of this Ordinance would entail practical difficulty or unnecessary hardship, or where circumstances do not require the building to be related to a street, the Gloucester Town Council may, in a specific case and after a public hearing for which reasonable notice has been given to all interested parties, and at which parties in interest and others shall have an opportunity to be heard, make reasonable exceptions and issue a permit subject to conditions that will assure adequate access for school buses, fire fighting equipment, ambulances and other emergency and Town vehicles necessary for the protection of the health and safety, and that will protect any future street layout shown on the official road map. Applications for such exceptions will be referred by the Gloucester Town Council to the Gloucester Planning Board for an advisory opinion thereon, but all such applications shall be subject to a decision by the Gloucester Town Council after a hearing as provided herein.

(c) The Gloucester Planning Board is authorized to adopt, modify and amend rules and regulations reasonably necessary to carry out the purposes and intent of this Ordinance, subject to the final approval of the Gloucester Town Council.

SECTION 3. Severability.

If any clause, provision or requirement of this Ordinance be declared invalid, such action shall not affect the validity of any other clause, provision or requirement thereof.

SECTION 4. EFFECTIVE Date.

This Ordinance shall take effect upon passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: Sections 1 through 4 ADOPTED as separate Ordinances September 14, 1989; CONSOLIDATED and CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992; AMENDED April 15, 1993 and EFFECTIVE May 12, 1993; AMENDED March 17, 1994 and EFFECTIVE April 14, 1994.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-01-02

AN ORDINANCE REGULATING ISSUANCE OF BUILDING PERMITS

SECTION 1.

No permit for the erection of any building shall be issued unless the building lot abuts a street which has been placed on the official road map of the town giving access to the proposed structure. In addition, before a building permit may be issued, on a non-Town road (street) such street and the part of the street abutting the building lot shall have been certified by the Gloucester Planning Board to be suitably improved in accordance with standards for street design contained in the Gloucester Subdivision Regulations, or such suitable improvements shall have been assured by means of a performance guarantee, in accordance with rules and regulations adopted by the Gloucester Planning Board. Such certification by the Gloucester Planning Board shall be subject to final approval by the Gloucester Town Council.

SECTION 2.

Where enforcement of this ordinance would entail practical difficulty or unnecessary hardship, or where circumstances do not require the building to be related to a street, the Gloucester Town council may, in a specific case and after a public hearing for which reasonable notice has been given to all interested parties, and at which parties in interest and others shall have an opportunity to be heard, make reasonable exceptions and issue a permit subject to conditions that will assure adequate access for school buses, fire fighting equipment, ambulances and other emergency and town vehicles necessary for the protection of the health and safety, and that will protect any future street layout shown on the official road map. Applications for such exceptions may be referred by the Gloucester Town Council to the Gloucester Planning Board for an advisory opinion thereon, but all such applications shall be subject to a decision by the Gloucester town Council after a hearing as provided herein.

SECTION 3.

The Gloucester Planning Board is authorized to adopt, modify and amend rules and regulations reasonably necessary to carry out the purposes and intent of this ordinance, subject to the final approval of the Gloucester Town Council.

SECTION 4.

If any clause, provision or requirement of this ordinance be declared invalid, such action shall not affect the validity of any other clause, provision or requirement thereof.

SECTION 5.

This Ordinance shall take effect upon passage. Adopt: Dec. 12, 1991, Effect: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council September 14, 1989. CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-01-04

NUMBERING OF BUILDINGS AND LOTS

SECTION 1. ESTABLISHMENT.

There shall be, in the Town of Gloucester, a uniform system for the numbering of residential, commercial and industrial buildings and lots.

SECTION 2. PURPOSE.

The standards set forth in this Ordinance are made for the purpose of promoting the public health and safety by providing a means of locating residential and other structures by police, fire, and other emergency services and for such other purposes requiring the location of residential and other structures as may be required.

SECTION 3. ADMINISTRATION.

This building and lot numbering system shall be administered by the Gloucester Town Council who shall assign building numbers to all residential, commercial, and industrial structures and lots in conformity with the plan developed pursuant to this Ordinance. The Town Council shall also be responsible for maintaining the following official records of this numbering system:

- a. Town maps for official use showing said numbering system.
- b. A Town-wide alphabetical list of property owners by last name, showing the assigned numbers.
- c. A Town-wide alphabetical list of streets with property owners listed in order of their assigned numbers.

SECTION 4. NUMBERING SYSTEM.

The following criteria shall govern the development of the numbering system and the assignment of numbers:

- a. Number Intervals. Each four hundred (400) feet of every street shall be assigned sixteen (16) number intervals, eight (8) odd numbers and eight (8) even numbers at intervals of fifty (50) feet on each side of the street. Number intervals in heavily populated areas shall be every twenty-five (25) feet and mobile home parks shall be by lot number.
- b. Odd and Even Numbers. Odd numbers shall be on the right-hand side of all streets, facing from the point of numbers origin to the point of number destination of each street.
- c. Number Origins. On through streets which terminate at another street at both ends, numbers shall start at the northerly end of streets which run in a generally north-south direction and shall start at the easterly end of streets which run in a generally east-west direction. Streets running in other directions shall start numbers at whichever end is most northerly or easterly.

On dead-end streets or cul-de-sacs, numbers will start at the intersection of origin of the street and run toward the dead end or turnaround.

Exceptions to either of the above shall be decided on a case-by-case basis.

- d. Common Access. Where several residences or other structures are served by a common driveway or a private right-of-way which is not on a street recognized by the Town, the number at the entrance shall apply to all residences and structures served by the drive or way and each separate residence or structure shall be identified by a suffix letter in counterclockwise rotation starting with the structure on the immediate right of the drive or access-way. Where possible, letters shall be assigned using the same interval in feet as used on recognized streets.
- e. Number Assignment. The number assigned to each residence or other structure shall be the number which falls closest to the main entry or driveway providing access to the property as shown on the official map of street numbers.

SECTION 5. COMPLIANCE.

All residents and other occupants shall display assigned numbers in the following manner.

- a. Number on the Structure or Residence. Where the residence or structure is within fifty (50) feet of the edge of a street right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
- b. Number at the Street Line. Where the residence or structure is over fifty (50) feet from the edge of the street right-of-way, or when fifty (50) feet or less but not visible from the street, the assigned number shall be displayed on a post, fence, wall, or the mailbox at the property line adjacent to the walk or access drive to the residence or structure.
- c. Size and color number. Numbers shall be a minimum of three inches high, displayed in a contrasting color and shall be located as to be visible from the street.
- d. Interior Location. All residents and other occupants are requested to post the assigned number and street name adjacent to their telephone for emergency reference.

SECTION 6. NEW DEVELOPMENT.

Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number or numbers from the Town Building Official. This shall be done at the time of the issuance of the building permit.

SECTION 7. NEW SUBDIVISIONS.

Any prospective subdivider shall show a proposed lot numbering system at the time of submission of a final plan to the Gloucester Planning Board.

SECTION 8. NAMES OF STREETS.

The Town Council shall have final approval over the naming of streets, and shall ensure that the name of each street is readily distinguishable from the names of other Town streets.

SECTION 9. RENTAL PROPERTIES.

Owners of structures or residences which are rented or leased shall submit to the building official the names of all renters, lessees or tenants.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and number assignment shall be initiated by the Town Council upon completion of the official map of street numbers and the availability of such official maps of street numbers in the office of the Gloucester Town Clerk. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council June 11, 1987; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-01-05

EXCAVATIONS, HOLES AND WELLS, OPEN

SECTION 1. OPEN EXCAVATIONS, HOLES AND WELLS AS PUBLIC NUISANCES.

Any open, unattended, unguarded or abandoned hole, excavation, well, cistern or cesspool on private property within the Town of Gloucester which is dangerous to the health, safety and welfare of any person may be declared to be a public nuisance.

SECTION 2. COMPLAINT; INSPECTION OF PROPERTY; NOTICE TO OWNER.

Whenever a condition as described in Section 1 of this Ordinance is complained of on any plot of land, lot, right-of-way or other private premises or place by any resident or property owner of the Town of Gloucester, and the Building Official, acting upon such complaint or upon his/her own initiative, upon inspection of the premises, declares that the condition constitutes a public nuisance, the Town Clerk shall notify the owner and possessor of the land complained of, in writing, either personally or by registered or certified mail, return receipt requested, to take such steps as will effectively remove said complained-of nuisance within ten (10) days after receipt of notice.

SECTION 3. REINSPECTION OF PROPERTY.

The Building Official shall reinspect said land after the ten-day period has expired and shall report in writing to the Town Clerk whether or not the unlawful condition complained of has been abated or remedied.

SECTION 4. ABATEMENT OF DANGEROUS CONDITION BY TOWN COUNCIL.

In the event that the owner or possessor of said land shall refuse or neglect to abate or remedy the condition complained of and which constitutes a violation of this chapter after said ten-day notice, the Town Council may cause the condition complained of to be abated.

SECTION 5. CERTIFICATION OF COSTS OF ABATEMENT.

After said condition has been abated and remedied pursuant to the authorization conferred by Section 4 of this Ordinance, the Town Council shall have a certificate of the costs thereof prepared by the Town Clerk and presented to it.

SECTION 6. COST OF ABATEMENT AS LIEN UPON PROPERTY.

Upon approval of said certificate by the Town Council, the amount charged against the said land shall forthwith become a lien upon said land, the same to bear interest at the same rate as taxes and to be enforced by the same officers and in the same manner as taxes. A certified copy of the certification of cost shall be forwarded to the Tax Assessor after its approval by the Town Council.

SECTION 7. VIOLATIONS AND PENALTIES.

Any person convicted of a violation of any of the provisions of this chapter shall, for each offense, either pay a fine as provided in Section 1 of the Appendix or be imprisoned for a term not to exceed thirty (30) days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 8. ENFORCEMENT.

The provisions of this Ordinance shall be enforced by the Town Council through the Building Official.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council September 12, 1958; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

SECTION 3 PUBLIC DISTURBANCE

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-03-01

DISORDERLY CONDUCT AND INDECENCY

SECTION 1. Definitions.

- a) Public place shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business, and also public grounds, areas, or parks.

SECTION 2. Disorderly Conduct Prohibited.

A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his or her conduct is likely to cause public danger, alarm, disorder, or nuisance, he or she willfully does any of the following acts in a public place, or in a place openly observable from a public place:

- (a) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in fear of safety of his/her life, limb or health;
- (b) Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
- (c) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health, or property of another;
- (d) Interferes with another's pursuit of a lawful occupation by acts of violence;
- (e) Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his/her own safety or the safety of others;
- (f) Resists or obstructs the performance of duties by the Gloucester Police or any other authorized official of the Town, when known to be such an official;
- (g) Incites, attempts to incite, or is involved in attempting to incite a riot;
- (h) Addresses abusive language or threats to any member of the Gloucester Police Department, any other authorized official of the Town of Gloucester who is engaged in the lawful performance of his/her duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;
- (i) Damages, befoils, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;
- (j) Fails to obey a lawful order to disperse by a police officer when known to be such an official,

where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;

- (k) Uses abusive or obscene language, or makes an obscene gesture;
- (l) Uses violent and forceful behavior at any time in or near a public place, such that there is a clear and present danger that free movement of other persons will be arrested or restrained, or other persons will be incapacitated in the lawful exercise of business or amusement;
- (m) Disturbs the peace of others by violent, indecent, offensive or boisterous conduct or language which was calculated to cause anguish or injury to another;
- (n) Roughly crowds or pushes any person in any public place;
- (o) Throws any stone, snowball, or any other missile upon or at any person, vehicle, building, tree, sign or other public or private property;
- (p) Wantonly makes a false alarm with reference to the request of fire fighting apparatus or cries fire in any public place for the sole purpose of causing turmoil;
- (q) Prowls or wanders upon the private property of another, peeks in the door or window of any inhabited building or structure located thereon without visible or lawful business with the owner or occupant thereof;
- (r) Maliciously interrupts the speaker of any lawful assembly or impairs the lawful rights of others to participate effectively in such assembly or meeting when such conduct is calculated to provoke or tend to cause turmoil or disturbance;
- (s) Acts in a manner which tends to cause or provoke a disturbance near any public building wherein matters affecting the public are being considered, deliberated, designed, or implemented, and said conduct interferes with the said public matters;
- (t) Frequents any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices;
- (u) Displays any deadly weapon in a public place in a manner which is calculated to alarm or frighten other persons present;
- (v) Exposes his or her genitals to the view of others under circumstances in which his/her conduct is likely to cause affront, distress, or alarm to such other persons.

Exemptions.

This ordinance shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

SECTION 3. Violations and Penalty.

Violation of any provision of this Ordinance shall be subject to a fine or imprisonment as provided in section 1 of the Appendix, provided, however, that no person shall be fined more than twenty dollars (\$20.00) or imprisoned for more than ten (10) days for indecent intoxication.

SECTION 4. Validity.

If any provision or part of this Ordinance, or the application thereof, is held invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 5. This Ordinance shall take effect on its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan.

06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED June 30, 1883; consolidated and AMENDED October 14, 1977; AMENDED January 12, 1979; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-03-02

OFFENSIVE NOISE AS PUBLIC NUISANCE

SECTION 1.

It is hereby declared to be a public nuisance and it shall be unlawful for any person to make, cause, or suffer or permit to be made or caused upon any premises owned, occupied or controlled by him/her, or upon any public property, public roadway or thoroughfare in the Town unnecessary noises or sounds by means of the human voice, or by any other means or methods which are physically annoying to reasonable persons, or which are so harsh, or so prolonged or unnatural, or unusual in their use, time and place as to occasion physical discomfort or which are injurious to the lives, health, peace and comfort of the inhabitants of the Town.

SECTION 2.

Any person violating this Ordinance shall be fined as provided in Section 1 of the Appendix. Each day of the existence of a violation shall be deemed a separate offense. All prosecutions on behalf of the Town shall be brought in the name of the Town by the Town Solicitor, any police officer or other duly authorized officer of the Town.

SECTION 3.

If any clause, provision or requirement of this Ordinance be declared invalid, such action shall not affect the validity of any other clause, provision or requirement hereof.

SECTION 4.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History Of Ordinance: ADOPTED by the Town Council July 8, 1982; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-03-03

**AN ORDINANCE ENTITLED
"THE SQUEALING OF AUTOMOBILE TIRES"**

SECTION 1.

Every person who shall cause to be made upon a public highway of this Town, an unnecessary noise and sound, to wit: the squealing of automobile tires by the use of excessive acceleration of an automobile, said noise and sound being physically annoying to other persons, harsh, unnatural, and unusual in its use and place, and comfort of the good and orderly people of the Town of Glocester, in violation of the Ordinance of said Town, shall be fined in an amount not to exceed One Hundred Dollars (\$100.00).

SECTION 2.

This Ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council October 9, 1970; AMENDED February 9, 1973. CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992.

**SECTION 4
ANIMALS**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-04-01

DOGS AND OTHER ANIMALS

SECTION 1. DEFINITIONS:

As used in this Ordinance the following terms mean:

Owner: Any person, group of persons, or corporation owning, keeping or harboring a dog or dogs.

At Large: Any dog shall be deemed to be at large when it is off the property of its owner and

not under restraint as hereinafter defined.

Restraint: Any dog is under restraint within the meaning of this Ordinance if it is controlled, or at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

Spayed Female: Any bitch which has been operated upon to prevent conception.

Animal Shelter: Any premises designated by action of the Town for the purpose of impounding and caring for all dogs found running at large in violation of this Ordinance.

Animal Control Officer: The person or persons employed by the Town as its enforcement officer and shall include any Police Officer of said Town.

Exposed to Rabies: A dog has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

SECTION 2. ENFORCEMENT:

The provisions of this ordinance shall be enforced by the Animal Control Officer of the Town of Gloucester and any Police Officer of said Town.

SECTION 3. LICENSING:

In accordance with Section 4-13-4 of the Rhode Island General Laws, every owner or keeper of a dog shall annually in the month of April cause that dog to be licensed from the first day of the following May. Such license shall be obtained in the Town Clerk's office for a fee as provided in the Appendix. Any person who becomes the owner or keeper of a dog shall obtain for such dog a license as provided above within thirty (30) days of becoming the owner or keeper of the dog. No license shall be issued by the Town unless the dog has been inoculated against rabies for the period during which the license would be valid.

Every person who fails to obtain a dog license as herein required shall be fined as provided in Appendix.

SECTION 4. IMPOUNDMENT

- (a) Any dog or dogs described in Sections 7 and 11 hereof shall be taken up by the Animal Control Officer and impounded in the shelter designated as the Town Animal Shelter. Dogs not claimed by their owners before the expiration of seven (7) days, may be disposed of at the discretion of the Animal Control Officer, except as hereinafter provided in the cases of certain dogs.
- (b) The Animal Control Officer may transfer title to any dog held at the animal shelter to the Society for the Prevention of Cruelty to Animals and/or the Animal Rescue League after the legal detention period has expired and such dog has not been claimed by its owner.
- (c) Immediately upon impounding dogs, the Animal Control Officer shall make every possible reasonable effort to notify the owners of such dogs, so impounded, and inform such owners of the conditions whereby they may regain custody of such dogs.
- (d) Any dog found running at large within the Town limits may be impounded or disposed of according to law when such action is required either to protect the dog or to protect the residents of the Town.

SECTION 5. REDEMPTION OF IMPOUNDED DOGS:

- (a) The owner shall be entitled to regain possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon the payment of impoundment fees set forth in Section 2 of the Appendix. (Proof of ownership might include a license receipt, affidavits of neighbors, a photograph, etc.).
- (b) Any dog impounded under the provisions of this Ordinance and not reclaimed by its owner within seven (7) days may be humanely destroyed by the Animal Control Officer, have its title transferred to the Society for the Prevention of Cruelty to Animals and/or the Animal Rescue League as provided for in Section 4(b), or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this Ordinance and such other regulations as shall be fixed by the Town of Gloucester. Provided, however, that if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by State law, such law shall be complied with. Under no circumstances shall the ownership of any dog be transferred to any person, agency or group engaged in animal research or vivisection.

SECTION 6. VICIOUS DOGS

- (a) Definition: "Vicious Dog" means:
 - (1) Any dog which, when unprovoked, approaches any person in a vicious or terrorizing manner in an apparent attitude of attack upon the streets, sidewalks, or in any public place; or
 - (2) Any dog with a known propensity or tendency to attack unprovoked, to cause injury, or otherwise endanger human beings or domestic animals; or
 - (3) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
 - (4) Any dog owned or kept primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or
 - (5) Any dog not licensed according to State or Town law.
- (b) No dog may be declared vicious if it injures or damages a person who, at the time of injury or damage, was committing a willful trespass or other tort upon premises owned or occupied by the owner or keeper of the dog, or was teasing, tormenting or assaulting the dog or was attempting to commit a crime. No dog may be declared vicious if the dog was protecting a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- (c) If the Animal Control Officer or a Town law enforcement officer has probable cause to believe that a dog is vicious, the Animal Control Officer or the Chief of Police, or his/her designee, may convene a hearing to determine whether or not the dog should be declared vicious. The Animal Control Officer or Chief of Police shall conduct or cause to be conducted an investigation and shall notify the owner or keeper of the dog that a hearing is to be held. The owner or keeper shall have the opportunity to present evidence at the hearing as to why the dog should not be declared vicious. The hearing shall be informal and open to the public, and shall be held not less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be conducted by a panel of three (3) persons, including the Chief of

Police or his or her designee, the executive director of the Society for the Prevention of Cruelty to Animals (S.P.C.A.) or his or her designee, and a third person chosen by the Chief of Police and the executive director of the S.P.C.A.

The owner or keeper shall be notified in writing of the results of the hearing. The owner or keeper of a dog declared vicious as herein provided shall, in accordance with a schedule established by the Animal Control Officer or Chief of Police (but in no case more than thirty (30) days after the determination), comply with the provisions of Chapter 13.1, Title 4 of the Rhode Island General Laws, pertaining to the regulation of vicious dogs and providing for special registration, fines and liability insurance for such dogs. An owner or keeper wishing to contest a declaration of viciousness may petition for a hearing de novo in district court as provided in Section 14-13.1-12 of the Rhode Island General Laws.

If the Animal Control Officer or a Town law enforcement officer has probable cause to believe that a dog is vicious, the dog may be impounded pending the outcome of a hearing as provided herein.

SECTION 7. CONFINEMENT OF CERTAIN DOGS AND OTHER ANIMALS:

- (a) The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, as defined in Section 6(a) herein, and shall not take such dog out of such building or secure enclosure unless such dog is securely muzzled.
- (b) Every female dog in heat shall be kept confined until no longer in heat in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female dog or other animals cannot come in contact with another dog or animal, except for intentional breeding purposes.
- (c) Any dog described in the foregoing subsections of this section, found at large, shall be impounded by the Animal Control Officer and may not be reclaimed by owners, unless such reclamation be authorized by any court having jurisdiction.
- (d) Any dog may, the first time it is impounded for being a public nuisance, be reclaimed as provided in Section 5(a) hereof but may not be reclaimed when so impounded on second or subsequent occasion unless such reclamation is authorized by a court having jurisdiction in the matter.

SECTION 8. RABIES CONTROL:

- (a) Every dog shall be inoculated for rabies prior to licensing as required under Section 4-13-4 of the Rhode Island General Laws.
- (b) Every dog which bites a person shall be promptly reported to the Animal Control Officer, and shall thereupon be securely quarantined at the direction of the Animal Control Officer for a period of fourteen (14) days and shall not be released from such quarantine except by written permission of the Animal Control Officer. At the discretion of the Animal Control Officer, such quarantine may be on the premises of the owner, at the shelter designated as the animal shelter, or at the owner's option and expense, in a veterinary hospital of his/her choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated by the Animal Control Officer.
- (c) The owner, upon demand by the Animal Control Officer, shall forthwith surrender any animal which has bitten a human, or which is suspected of having been exposed to rabies, for supervised

- quarantine, or, at the discretion of the Animal Control Officer or the Chief of Police, for the determination of whether the dog may be declared vicious under Section 6 of this Ordinance, the expense of which shall be borne by the owner. Said animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of fees set forth in Section 2 of the Appendix.
- (d) When rabies has been diagnosed in an animal under quarantine or rabies is suspected by a licensed veterinarian, and the animal dies while under such observation, the Animal Control Officer shall immediately send the head of such animal to the State Health Department for pathological examination, and shall notify the proper public health office of reports of human contacts and the diagnosis.
 - (e) Any person, including the Animal Control Officer, licensed veterinarian, and all Town officials, shall notify the State Director of Health immediately upon detection of rabies in any animal.
 - (f) No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except of herein provided, nor remove from the Town limits without written permission from the Animal Control Officer.
 - (g) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Animal Control Officer.
 - (h) The Animal Control Officer shall direct the disposition of any animal found to be infected with rabies.
 - (i) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Animal Control Officer.

SECTION 9. REPORTS OF BITE CASES:

It shall be the duty of every physician or other medical practitioner to report to the Animal Control Officer or the Police Department the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

SECTION 10. RESPONSIBILITIES OF VETERINARIANS:

It shall be the duty of every licensed veterinarian to report to the Animal Control Officer any animal considered by him/her to be a rabies suspect.

SECTION 11. NUISANCE ABATEMENT:

(a) The keeping or harboring of any dog, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys any considerable number of persons or neighborhood is unlawful, and is hereby declared to be a public nuisance and each day that the offense continues shall constitute a separate offense. Notwithstanding other provisions herein, the penalty for violation of this section (a) shall be \$20.00 per day for the first offense, \$30.00 per day for the second offense, and \$35.00 per day for the third violation for subsequent offenses committed within twelve months of the first offense. If said dog is impounded under section (b), the Animal Control Officer shall retain said animal until the owner demonstrates that he/she has taken or will take measures, such as construction of an opaque fenced-in enclosure, use of a muzzle or other device, or other action recommended by said Dog Officer which will abate the howling, yelping, barking or other noise.

SECTION 12. MISCELLANEOUS PROVISIONS:

- (a) No dogs are allowed in school yards or on school property whether at large or under restraint, seeing-eye dogs, so-called, excepted.
- (b) It shall be unlawful to keep more than three (3) dogs at the same residence, except as permitted by special exception to the appropriate zoning ordinance. This provision shall not apply to licensed kennels.
- (c) All complaints made under the provisions of this ordinance shall be made to the Animal Control Officer and may be made orally, provided, however, that such complaint shall be within forty-eight (48) hours reduced to writing and shall be signed by the complainant showing his/her address and telephone number, if any.

SECTION 13. INVESTIGATION:

In the discharge of the duties imposed by this ordinance, the Animal Control Officer or any Police Officer of this Town shall have the authority at all reasonable times to enter upon any premises (but such authority should not include the right to enter any residence on such premises) to examine a dog or other animal which is allegedly in violation of a provision of this Ordinance. Such officer shall have the further authority to take possession of any such dog or other animal and remove it from such premises.

SECTION 14. INTERFERENCE:

No person shall interfere with, hinder or molest the Animal Control Officer or any Police Officer of this Town in the performance of his/her duties, or seek to release any animal in the custody of the Dog Officer or any Police Officer, except as herein provided.

SECTION 15. RECORDS:

- (a) It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.
- (b) It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him/her and his/her investigation of the same.

SECTION 16. PENALTY:

Except as otherwise provided herein, any person convicted of violating any provision of this Ordinance may be punished by the payment of a fine not exceeding twenty-five dollars (\$25) to be recovered for the use of the Town and if such violation be continued, each day's violation may constitute a separate offense as provided in Section 1 of the Appendix.

SECTION 17. REPEALS

All ordinances or parts or ordinances inconsistent herewith are hereby repealed.

SECTION 18. SEVERABILITY:

If any part of this Ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 19. EFFECTIVE DATE:

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council January 9, 1970; AMENDED October 11, 1974; AMENDED September 9, 1977; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-04-02

ANIMAL SHELTER ADOPTION REGULATIONS

SECTION 1. Mandatory Spaying and Neutering of Dogs and Cats Adopted from a Releasing Agency:

- (a) No releasing agency shall release, sell, trade, give away, exchange, adopt out, or otherwise transfer with or without a fee any dog or cat that has not been spayed or neutered unless the adopting party executes a written agreement with the releasing agency to have the dog or cat spayed or neutered within thirty (30) days of the adoption date or within thirty (30) days from the date that the dog or cat reaches sexual maturity, with the cost of such spaying or neutering to be the responsibility of the adopting party. The written agreement must include the dog or cat's age, sex, and general description; the date of adoption and the date by which the dog or cat must be spayed or neutered; the adopting party's name, address, phone number, and signature; the releasing agency's name, address, phone number, and the dollar amount of the deposit remitted. In addition to executing the written agreement the adopting party must leave with the releasing agency a deposit of not less than twenty dollars (\$20.00) and not more than forty dollars (\$40.00). The amount of the deposit shall be determined by the releasing agency. Said deposit will be refunded by the releasing agency to the adopting party upon presentation of a written statement or receipt from a licensed veterinarian of the adopting party's choice where the dog or cat was spayed or neutered providing that the spaying or neutering was performed within the thirty (30) day period.

Alternatively, the releasing agency shall make appropriate arrangements for the spaying or neutering of the dog or cat by a licensed veterinarian and have the surgery completed before releasing the dog or cat to the adopting party.

- (b) The following are exemptions from the provisions of subsection (a):
 - (i) A releasing agency returns a stray dog or cat to its owner;
 - (ii) A releasing agency receives a written report from a licensed veterinarian stating that the life of the dog or cat would be jeopardized by the surgery and that such health condition is likely to be permanent;
 - (iii) A releasing agency receives a written report from a licensed veterinarian stating that there is a temporary health condition, including sexual immaturity, which would make surgery life

threatening to the dog or cat or impracticable, in which instance the releasing agency shall grant the adopting party an appropriate extension of time in which to have the dog or cat spayed or neutered based on the veterinarian's report.

The exemptions provided in subdivisions (ii) and (iii) above shall only be applicable if the releasing agency receives said written report from a licensed veterinarian within the thirty (30) day period during which the spaying or neutering would otherwise be required, or in the case of a report contemplated by subdivision (ii) above, said report may be provided to the releasing agency during any temporary extension period provided by subdivision (iii) above if the health condition of the dog or cat has changed.

- (c) If requested to do so, a releasing agency shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the dog or cat died before the expiration of the period during which the spaying or neutering was required to be completed.
- (d) Any and all releasing agencies (i) may enter into cooperative agreements with each other and with veterinarians in carrying out the provisions of this section, and (ii) shall make a good faith effort to cause an adopting party to comply with the provisions of this section.

SECTION 2. Forfeited Deposits.

Deposits required by Section 1 which are unclaimed after sixty (60) days from the date of adoption or sixty (60) days from when the dog or cat reaches sexual maturity, whichever is later, will be forfeited by the adopting party and retained by the releasing agency and shall be used for the following purposes:

- (i) A public education program to prevent overpopulation in dogs and cats;
- (ii) A program to spay and neuter dogs and cats that are available for adoption by the releasing agency;
- (iii) A follow-up program to assure that dogs and cats adopted from the releasing agency are spayed or neutered; and
- (iv) To defray additional costs incurred by the releasing agency in complying with Section 1.

SECTION 3. Penalties for Violations.

- (a) Violations of the provisions of Section 1 or the written agreement executed pursuant thereto by an adopting party shall be punishable by a fine of fifty dollars (\$50) for the first offense, one hundred fifty dollars (\$150) for the second offense and four hundred dollars (\$400) for the third and subsequent offenses. Each and every incidence of non-compliance by an adopting party which continues unremedied for thirty (30) days after written notice of a violation hereunder shall constitute a subsequent offense and the attendant penalties will apply. Second and subsequent offenses may constitute grounds for seizure and forfeiture of the dog or cat, which seizure will be conducted by a dog officer or a police officer for the town in which the adopting party resides, and the seized animal will be returned to the releasing agency from which it was adopted, which releasing agency will be free to adopt out or euthanize the seized dog or cat. The adopting party shall lose all ownership rights in the seized dog or cat, shall forfeit all rights to any fee or deposit paid for the dog or cat, and shall have no claim against the releasing agency or any other person for any expenses incurred by the adopting party for the dog or cat's maintenance.

The provisions of Section 1 - Section 3 will be enforced against an adopting party by a dog officer or a police officer for the town in which the adopting party resides.

- (b) Violations of the provisions of Section 1 or Section 2 by a releasing agency shall be punishable by a fine of one hundred dollars (\$100) for the first offense, two hundred fifty dollars (\$250) for the second offense and five hundred dollars (\$500) for the third and subsequent offenses. The third and subsequent offenses may result in the temporary or permanent revocation of the releasing agency's license to operate. Compliance by the releasing agency with the provisions of Section 1 - Section 3 will be monitored as to the releasing agencies by the state veterinarian.
- (c) All fines collected under subsection (a) will be remitted to the town clerk of Glocester where the adopting party of the dog or cat resides. Such fines shall be used by the town only for enforcing animal control laws or ordinances or for programs to reduce the population of unwanted stray dogs and cats in the town, including humane education programs or programs for the spaying or neutering of dogs or cats. All fines collected under subsection (b) will be remitted to the finance director and placed in a separate fund within the general fund to be called the "Animal Health Fund" which shall be administered by the finance director in the same manner as the general fund. All funds deposited in the "Animal Health Fund" shall be made available to the department of environmental management division of agriculture to defray any costs or expenses incurred by the state veterinarian in the enforcement of Section 1, Section 2 and Section 3.

This Ordinance shall take effect upon its passage. ADOPTED: June 16, 1994, EFFECTIVE: July 14, 1994.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council on June 16, 1994 and EFFECTIVE: July 14, 1994.

SECTION 5 WASTE DISPOSAL

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-05-01

UNAUTHORIZED DUMPING PROHIBITED --TRANSFER STATION

ARTICLE I. UNAUTHORIZED DUMPING.

SECTION 1.

- (a) No person shall throw, deposit or dump any refuse, debris, tin cans, papers, automobile bodies, vegetable matter, or any other waste material within the bounds of any public highway within the Town of Glocester.

- (b) No person shall throw, deposit or dump any refuse, debris, tin cans, papers, automobile bodies, vegetable matter or any other waste material within the Town of Glocester except at such place or places as may be designated by the Town Council, and all persons so dumping or depositing, shall be required to first obtain a permit therefore from the Director of Public Works.
- (c) Any person who violates any of the provisions of this ordinance shall upon conviction be fined as provided in Section 1 of the Appendix.

SECTION 2.

All commercial and industrial waste shall be disposed of at the Rhode Island Central Landfill by, and at the expense of, the entity producing the waste. Any entity disposing of such waste shall comply with all applicable state and federal statutes and regulations governing the transportation and disposal thereof.

ARTICLE II. GLOCESTER TRANSFER STATION.

SECTION 1. PURPOSE.

The Town of Glocester hereby recognizes its responsibility under Section 23-18.9-1 of the Rhode Island General Laws to provide for the disposal of all refuse generated within the Town. All commercial and industrial refuse shall be disposed of as provided in Article I, Section 2 of the ordinance. All residential refuse (and no non-residential refuse) shall be disposed of at the Glocester Transfer Station, located on Chestnut Hill Road in Chepachet, as provided below.

SECTION 2. DEFINITIONS.

As used in the Ordinance, the following terms shall, where the context permits, be construed as follows:

- (a) Commercial hauler. A private contractor engaged in the collection and transportation of solid waste generated by persons other than the contractor in the Town of Glocester.
- (b) Residential solid waste. Waste generated from residential activities or buildings consisting of two or less dwelling units.
- (c) Residential user. Persons who deliver residential solid waste to the Glocester Transfer Station, which is generated by, and at, their place of residence.
- (d) Glocester Transfer Station (GTS). A facility located on Chestnut Hill Road in Chepachet, which is hereby designated as the sole collection depository for all residential solid wastes generated within the Town of Glocester, where residential users transfer solid waste to haulage vehicles for transportation to a final disposal site outside of the Town.
- (e) Solid waste. Garbage, refuse, and other solid material generated by residential sources; but not including solids or dissolved material in domestic sewage or sewage sludge or hazardous waste as defined in the Rhode Island Hazardous Waste Management Act, section 23-19.1-4 as amended.
- (f) Tipping fee. The charge per ton (2,000 pounds avoir dupois) for solid waste delivered to the GTS by a commercial hauler to be paid to the Town in accordance with rates established by the Town Council.

SECTION 3. RULES AND REGULATIONS.

The Town Council shall adopt operating rules and regulations to ensure the proper and safe operation of the GTS.

SECTION 4. LICENSING PROCEDURES.

- (a) Residential users shall obtain an official Town sticker at the Transfer Station or a temporary sticker at the office of the Director of Public Works and shall display such sticker on any vehicle used to deposit refuse at the GTS.
- (b) Commercial haulers who collect and/or transport solid waste in the Town shall be licensed annually by the Town Council subject to rate and conditions prescribed and authorized by the Town Council.
- (c) The annual fee for a commercial hauler's license shall be as provided in Section 3 of the Appendix.
- (d) Commercial haulers shall be deemed independent contractors and shall under no circumstances be considered agents of the Town of Gloucester.

SECTION 5. COMMERCIAL HAULER USER FEES.

All commercial haulers shall pay an appropriate tipping fee as established by the Town Council. There shall be a one-ton minimum placed on all materials deposited. Invoicing shall be made monthly; payment dates and forms will be set forth on the invoice. Failure to submit payments on a timely basis will result in suspension of transfer station privileges. The commercial hauler agrees to pay carrying charges of one and three-quarters percent per month, which the Town may impose on any overdue invoice. Should any invoice be placed for collection, the commercial hauler agrees to pay the cost and expense of collection including reasonable attorney's fees.

SECTION 6. SPECIAL FEES AND AGREEMENTS.

Special fees and agreements for the process of items or materials not regularly accepted at the GTS may from time to time be established by the Town Council.

SECTION 7. SCOPE OF SERVICE.

The GTS shall accept all residential solid waste generated within the Town; but it shall not accept waste from sources owned or operated by the state or federal government.

SECTION 8. HOURS OF OPERATION.

The GTS shall be open to the public for such hours as deemed necessary by the Town Council.

SECTION 9. PROHIBITED ITEMS.

The following items shall not be accepted at the GTS:

- (a) All liquid and semi-liquid wastes.
- (b) Boulders, dirt, gravel, sand, loam, fill or other earthen materials.
- (c) Tree stumps.
- (d) Human or animal remains.
- (e) Hot ashes and cinder (although cold ashes and cinder shall be accepted).
- (f) Farm and other large equipment.
- (g) Pathological or biological waste.
- (h) Hazardous waste as now or hereafter determined by any government authority.
- (i) Chemicals, or compounds thereof, that are explosive, flammable or toxic.
- (j) Motor vehicles or major components thereof.

- (k) Any substance or item that may cause harm to, or adversely affect, the operation of the GTS.

SECTION 10. RESTRICTED ITEMS.

The following items shall be accepted at the GTS subject to the following restrictions:

- (a) Metal goods such as stoves, refrigerators, water heaters, washers and dryers, must be deposited at a designated location at the GTS and must have doors removed before acceptance.
- (b) Yard waste shall be accepted upon the commencement of operation of the proposed Composting Facility, at which time regulations shall be promulgated concerning the requirements for acceptability of briars, brush, weeds, leaves, etc.
- (c) Tires shall be limited to four units per year per vehicle registered in the Town of Gloucester. Commercially hauled loads may contain an occasional tire as would normally be disposed of by a residential household.

SECTION 11. SPECIAL MATERIALS.

Nothing in this Ordinance shall prevent the acceptance of restricted materials which, in the opinion of the Director of Public Works, can be properly handled by the GTS on a limited basis at a special tipping fee established by the Town Council.

SECTION 12. SCAVENGING AND LOITERING PROHIBITED.

No scavenging or loitering shall be permitted at the GTS facility.

SECTION 13. OPERATION OF VEHICLES TRANSPORTING SOLID WASTE.

No person shall operate any vehicle upon a public highway of this Town in which solid waste is carried unless said waste is covered and/or properly secured to prevent the contents of the vehicle from falling off and littering the highway. Failure to properly cover, or otherwise properly secure, a vehicle load shall result in the denial of access to the GTS.

SECTION 14. PENALTIES.

- (a) Any person, firm or corporation who violates any of the provisions of this Ordinance or the regulations enacted pursuant thereto shall upon conviction be fined as provided in Section 1 of the Appendix.
- (b) Any person, firm or corporation who violates any of the provisions of this Ordinance, or the regulations enacted pursuant thereto, shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

SECTION 15. EFFECTIVE DATE.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council, May 19, 1936; AMENDED November 18, 1955; AMENDED December 14, 1973; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-05-02

MANDATORY RECYCLING

SECTION 1. Mandatory Recycling

A mandatory recycling program is hereby implemented in the Town of Glocester pursuant to Chapters 23-18.8, 23-18.9, and 23-19 of the Rhode Island General Laws and the Rhode Island Department of Environmental Management Municipal Recycling Regulations, as amended.

SECTION 2. Definitions

Mixed Recyclables are those materials required to be removed from the municipal solid waste at the source and delivered directly to the Town recycling facility or placed in or on top of the set-out container provided for collection by a privately contracted hauler.

Recyclable materials are those separated from municipal solid waste for processing for reuse as specified by the Director of DEM and listed in Section 4 of the Municipal Recycling Regulations and within this ordinance. The materials to be included may change from time to time depending upon new technologies, economic conditions, waste stream characteristics, environmental effects or mutual agreement between the State and municipalities.

Resident is anyone residing in the Town of Glocester for any period of time who generates solid waste for which the Town accepts disposal responsibility.

Solid Waste is garbage, refuse and other discarded solid materials generated by residential sources.

Source Separation is the removal by the generator of recyclable materials including mixed recyclables from all other solid waste generated by the household and conveyance of the recyclable materials to the Town recycling facilities or for collection by a private hauler.

SECTION 3. Residential Recycling

- a) All residents are required to separate recyclable materials from residential solid waste and to deliver those materials directly to the Town recycling facility by a private hauler. This ordinance does not, however, bar any residents from giving recyclable materials to a non-profit organization.
- b) The following materials are required to be separated from residential solid waste and delivered to
 - a Town or State recycling facility.
 - i. Newspapers
 - ii. Aluminum
 - iii. Steel/tin cans

- iv. Glass containers
 - v. PET plastic soda bottles
 - vi. HDPE plastic dairy jugs
 - vii. Other materials determined by the Department of Environmental Management to be recyclable in its Municipal Recycling Regulations, Section 4
- c) All separated materials are to be delivered to a Town, State or State designated recycling facility in an processable condition, i.e. at a minimum, all glass, plastic, steel/tin and aluminum containers shall be empty and rinsed, aluminum foil shall be clean, webbing shall be removed from aluminum furniture, no non-container glass shall be mixed with the recyclables, newspaper shall be placed in a brown paper bag or tied in bundles with a string and other requirements in DEM's Municipal Recycling Regulations, Appendix A.

SECTION 4. Haulers

- a) All qualified persons engaged in the business of collecting and hauling refuse generated within the boundaries of the Town of Glocester shall be licensed by the Town of Glocester, pursuant to Section 23-18.9(b)(1) of the Rhode Island General Laws.
- b) Licensed haulers shall collect only that residential solid waste that is source separated by the resident into the recyclable and non-recyclable components.
- c) Licensed haulers shall keep recyclable materials separate from non-recyclable resident solid waste.
- d) Licensed haulers shall maintain any separated recyclable materials that are delivered to either a Town or State recycling facility in processable condition.
- e) Licensed haulers shall keep residential recyclable materials separate from recyclables collected from commercial accounts.
- f) Licensed haulers who deliver recyclables to a Town or State recycling facility shall deliver to said facility only recyclables generated by the Town of Glocester.
- g) Licensed haulers shall deliver all recyclables designated to go to a Town or State recycling facility, to said facility.

SECTION 5. Public Events

The separation of recyclables from solid waste shall be a condition of licensing or authorization of any public event the conduct of which generates solid waste for which the Town of Glocester accepts disposal responsibility.

SECTION 6. Authorized Recycling Collectors

No person shall solicit the commercial collection of any recyclable material as defined in this ordinance within the Town of Glocester for personal gain except as specifically authorized by the Town. The Town may issue permits to charitable organizations to collect recyclable materials on the condition that a report is filed by said organization detailing the weights of each material collected in compliance with the Rhode Island Department of Environmental Management reporting requirements and provided that the Town determines that said collection does not conflict with the Town's recycling program.

SECTION 7. Enforcement

It shall be the duty of the Police Department of the Town of Glocester to enforce the provisions of this

ordinance.

SECTION 8. Validity

If any part or parts, section, sentence, clause or phrase of this act is found for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this act as a whole or any portion thereof other than the part or portion so decided to be invalid.

SECTION 9. EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication as required by law. ADOPTED : Sept.16, 1993, EFFECTIVE: Oct. 13, 1993

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council September 16, 1993, EFFECTIVE: October 13, 1993.

**SECTION 6
ENVIRONMENTAL**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-06-01

DRAINAGE ORDINANCE

No person shall allow any cesspool water, well water, or other water or fluid which has been collected, diverted or conducted in any manner on private property occupied by such person or under his control, to run, flow or otherwise seep into or upon any public street or road in the Town.

This Ordinance shall take effect upon its passage. ADOPTED: April 12, 1990.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council April 12, 1990.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-06-02

EROSION AND SEDIMENT CONTROL ORDINANCE

ARTICLE I

SECTION 1. Purpose.

The Gloucester Town Council hereby finds that excessive quantities of soil are eroding from certain areas that are undergoing development for nonagricultural uses, such as housing developments, industrial areas, recreational facilities and roads. This erosion makes necessary costly repairs to gullies, washed out fills, roads, and embankments. The resulting sediment clogs the storm sewers, road ditches, and muddies streams, leaves deposits of silt in ponds and reservoirs and is considered a major water pollutant.

The purpose of this Ordinance is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development within the Town of Gloucester by requiring proper provisions for water disposal, and the protection of soil surfaces during and after construction, in order to promote safety, public health and general welfare of the Town.

ARTICLE II

SECTION 1. Application

This Ordinance shall be applicable to any situation involving any disturbances to the terrain, top soil or vegetative groundcover upon any property within the Town of Gloucester after determination of applicability by the building official or his/her designee based upon criteria outlined in ARTICLE III, Section 1 below. Compliance with the requirements as described herein shall not be construed to relieve the owner/applicant of any obligations to obtain necessary State or federal permits.

ARTICLE III

SECTION 1.

It shall be unlawful for any person to disturb any existing vegetation, grades, and contours of land in a manner which may increase the potential for soil erosion, without first applying for a determination of applicability from the building official or his/her designee. Upon determination of applicability, the owner/applicant shall submit a soil erosion and sediment control plan for approval by the building official or his/her designee, as provided in ARTICLE IV. The application for determination of applicability shall describe the location, nature, character, and time schedule of the proposed land disturbing activity in sufficient detail to allow the building official of his/her designee to determine the potential for soil erosion and sedimentation resulting from the proposed project. In determining the applicability of the soil erosion and sediment control ordinance to a particular land disturbing activity, the building official or his/her designee shall consider site topography, drainage patterns, soils, proximity to water courses, and other such information as deemed appropriate by the building official or his/her designee. A particular land disturbing activity shall not be subject to the requirements of this Ordinance if the building official or his/her designee finds that erosion resulting from the land disturbing activity is insignificant and represents no threat to adjacent properties or to the quality of any coastal feature or water course, as defined herein. The current "Rhode Island Soil Erosion and Sediment Control Handbook", U. S. Department of Agriculture Soil Conservation Service, R. I. Department of Environmental Management, and R. I. State Conservation Committee shall be consulted in making this determination.

No determination of applicability shall be required for the following:

- (a) This chapter shall not apply to existing quarrying operations actively engaged in excavating rock, but shall apply to sand and gravel extraction operations.

- (b) Construction, alteration or use of any additions to existing single family or duplex homes or related structures, provided the grounds coverage of such addition is less than one thousand (1,000) square feet, and such construction, alteration and use does not occur within one hundred (100) feet of any water course or coastal feature, and the slopes at the site of land disturbance do not exceed ten percent (10%).
- (c) Use of a home garden in association with on-site residential use.
- (d) Accepted agricultural management practices such as seasonal tilling and harvest activities associated with property utilized for private and/or commercial agricultural or silvicultural purposes, notwithstanding other applicable town and state regulations.
- (e) Excavations for improvements other than those described in Section (a) above which exhibit all of the following characteristics:
 - (1) Does not result in a total displacement of more than fifty (50) cubic yards of material;
 - (2) Has no slopes steeper than ten (10) feet vertical and one hundred (100) feet horizontal or approximately ten percent (10%); and
 - (3) Has all disturbed surface areas promptly and effectively protected to prevent soil erosion and sedimentation.
- (f) Grading, as a maintenance measure, or for landscaping purposes on existing developed land and parcels or lots, provided that all bare surface is immediately seeded, sodded or otherwise protected from erosive actions and all of the following conditions are met:
 - (1) The aggregate of the area(s) of such activity does not exceed two thousand (2,000) square feet; and
 - (2) The change of elevation does not exceed two (2) feet at any point; and
 - (3) The grading does not involve a quantity of fill greater than eighteen (18) cubic yard; except where fill is excavated from another portion of the same parcel and the quantity does not exceed fifty (50) cubic yards.
- (4) Loggers return tracks to their original condition and to original grade.
 - (g) Grading, filling, removal, or excavation activities and operations undertaken by the Town under the direction and supervision of the Director of Public Works for work on streets, roads, rights-of-way dedicated to public use, provided, however, that adequate and acceptable erosion and sediment controls are employed. Appropriate controls shall apply during construction as well as after the completion of such activities. All such work shall be undertaken in accordance with the performance principals provided for in ARTICLE V. Section 1 (c) and standards and definitions as may be adopted to implement said performance principals.

ARTICLE IV

SECTION 1. Provisions - Procedures

(a) Plan.

To obtain approval for a land disturbing activity as found applicable by the building official or his/her designee under ARTICLE III, an applicant shall first file an erosion and sediment control plan signed by the owner of the property, or authorized agent, on which the work subject to approval is to be performed. The plan or drawings, as described in ARTICLE V, shall include proposed erosion and sediment control measures to be employed by the applicant or the applicant's agent.

R. I. Freshwater Wetland Permit: Where any portion of a proposed development requires approval under the R. I. Freshwater Wetlands Act. (G.L. 2-1-15 et seq.), as amended, and where said approval contains provisions for soil erosion and sediment control, that approved plan shall be a component of the overall soil erosion and sediment control plan required hereunder for the development.

(b) Fees.

The Town of Gloucester may collect fair and reasonable fees from each applicant requesting approval of a soil erosion and sediment control plan for the purposes of administering this Ordinance.

(c) Plan Review.

Within five (5) working days of the receipt of a completed plan, the building official or his/her designee shall send a copy of the plan to the review authorities which may include the public works department, the planning board, or planning department and conservation commission for the purpose of review and comment. The building official or his/her designee may also within the above time frame submit copies of the plan to other local departments or agencies, including the conservation district that services their county, in order to better achieve the purposes of this chapter. Failure of the aforementioned review authorities to respond within twenty one (21) days of their receipt of the plan shall be deemed as no objection to the plan as submitted.

The time allowed for plan review shall be commensurate with the proposed development project, and shall be done simultaneously with other reviews.

(d) Plan Approval.

The building official or his/her designee shall take action in writing either approving or disapproving this plan with reasons stated within ten(10) days after he has received the written opinion of the aforementioned review authorities.

In approving a plan, the building official, or his/her designee may attach such condition as deemed reasonably necessary by the aforementioned review authorities to further the purpose of this Ordinance. Such conditions pertaining to erosion and sediment control measures and/or devices, may include but are not limited to, the erection of walls, drains, dams, and structures, planting vegetation, trees, shrubs, furnishings, necessary easements, and specifying a method of performing various kinds of work, and the sequence for timing thereof.

The applicant/owner shall notify the building inspection or his/her designee in advance of his or her intent to begin clearing and construction work described in the erosion and sediment control plan. The applicant shall have the erosion and sediment control plan on the site during grading and construction.

(e) Appeals

Administrative Procedures: if the ruling made by the building official or his/her designee is unsatisfactory to the applicant/owner, the applicant/owner may file a written appeal. The appeal of plans for soil erosion and sediment control shall be to the zoning board of review or other appropriate board of review, as determined by the Town Council.

Appeal procedures shall follow current requirements for appeal to boards above.

During the period in which the request for appeal is filed, and until such time as a final decision is rendered on the appeal, the decision of the building official or his/her designee shall remain in effect.

Expert Opinion: the official or his/her designee, the zoning board of review or other board of review, may seek technical assistance on any soil erosion and sediment control plan. Such expert opinion must be made available in the office of the building official or his/her designee as a public record prior to the appeals hearing.

ARTICLE V

SECTION 1. Soil Erosion and Sediment Control Plan

(a) Plan preparation

The erosion and sediment control plan shall be prepared by a registered engineer, or landscape architect or a Soil and Water Conservation Society certified Erosion and Sediment Control Specialist and four (4) copies of the plan shall be submitted to the building official or his/her designee.

(b) Plan contents

The erosion and sediment control plan shall include sufficient information about the proposed activities and land parcel(s) to form a clear basis for discussion and review and to assure compliance with all applicable requirements of this chapter. The plan shall be consistent with the data collection, data analysis, and plan preparation guidelines in the current "Rhode Island Soil Erosion and Sediment Control Handbook", prepared by the U.S. Department of Agriculture, Soil Conservation Service, R.I. Department of Environmental Management, R.I. State Conservation and at a minimum, shall contain:

- (1) a narrative describing the proposed land disturbing activity and the soil erosion and sediment control measures and stormwater management measures to be installed to control erosion that could result from the proposed activity. Supporting documentation, such as a drainage area, existing site, and soil maps shall be provided as required by the building official or his/her designee.
- (2) construction drawings illustrating in detail existing and proposed contours, drainage features, and vegetation; limits of clearing and grading, the location of soil erosion and sediment control and stormwater management measures, detail drawings of measures; stock piles and borrow areas; sequence and staging of land disturbing activities; and other such information needed for construction.
- (3) other information or construction plans and details as deemed necessary by the building official or his/her designee for thorough review of the plan prior to action being taken as prescribed in this chapter. Withholding or delay of such information may be reasons for the building official or his/her designee to judge the application as incomplete and grounds for disapproval.

(c) Performance principles:

The contents of the erosion and sediment control plan shall clearly demonstrate how the principles, outlined below, have been met in the design and are to be accomplished by the proposed development project.

- (i) The site selected shall show due regard for natural drainage characteristics and topography.
- (ii) To the extent possible, steep slopes shall be avoided.

- (iii) The grade of slopes created shall be minimized.
- (iv) Post development runoff rates should not exceed predevelopment rates, consistent with other storm water requirements which may be in effect. Any increase in storm runoff shall be retained and recharged as close as feasible to its place of origin by means of detention ponds or basins, seepage areas, subsurface drains, porous paving, or similar techniques.
- (v) Original boundaries, alignment and slope of water-courses within the project locus shall be preserved to the greatest extent feasible.
- (vi) In general, drainage shall be directed away from structures intended for human occupancy, leaching field areas, municipal or utility use, or similar structures.
- (vii) All drainage provisions shall be of such a design and capacity so as to adequately handle storm water runoff, including runoff from tributary upstream areas which may be outside the locus of the project.
- (viii) Drainage facilities shall be installed as early as feasible during construction, prior to site clearance, if possible.
- (ix) Fill located adjacent to water-courses shall be suitably protected from erosion by means of rip-rap, gabions, retaining walls, vegetative stabilization, or similar measures;
- (x) Temporary vegetation and/or mulching shall be used to protect bare areas and stockpiles from erosion during construction; the smallest areas feasible shall be exposed at any one time; disturbed areas shall be protected during the nongrowing months, November through March;
- (xi) Permanent vegetation shall be placed immediately following fine grading;
- (xii) Trees and other existing vegetation shall be retained whenever feasible; the area within the dripline shall be fenced or roped off to protect trees from construction equipment;
- (xiii) All areas damaged during construction shall be resodded, reseeded, or otherwise restored. Monitoring and maintenance schedules, where required, shall be predetermined.

**ARTICLE VI
ENFORCEMENT**

SECTION 1. Performance Bond: Before approving an erosion sediment control plan, the building official or his/her designee may require the applicant/owner to file a surety company performance bond, deposit of money negotiable securities or other method of surety, as specified by the building official or his/her designee. When any land disturbing activity is to take place within one hundred (100) feet of any water-course or coastal feature or within an identified flood hazard district, or on slopes in excess of ten (10) percent, the filing of a performance bond shall be required. The amount of such bond, as determined by the public works department, or in its absence, the building official or his/her designee, shall be sufficient to cover the cost of implementing all erosion and sediment control measures as shown on the plan.

The bond or negotiable security filed by the applicant shall be subject to approval of the form, content, amount, and manner of execution by the public works director and the town solicitor.

A performance bond for an erosion sediment control plan for a subdivision may be included in the performance bond of the subdivision. The posting of such bond as part of the subdivision performance bond does not, however, relieve the owner of any requirement(s) of this Ordinance.

- (b) Notice of default of performance secured by bond. Whenever the building official or his/her

designee shall find that a default has occurred in the performance of any term(s) or condition(s) of the bond or in the implementation of measures secured by the bond, written notice thereof shall be made to the applicant and to the surety of the bond by the municipal solicitor. Such notice shall state the nature of default, work to be done, the estimated cost thereof, and the period of time deemed by the building official or his/her designee to be reasonably necessary for the completion of such work.

Failure of the applicant to acknowledge and comply with the provisions and deadlines outlined in such notice of default shall mean the institution, by the town solicitor, without further notice of proceedings whatsoever, of appropriate measures to utilize the performance bond to cause the required work to be completed by the Town, by contract or by other appropriate means as determined by the Town Solicitor.

(c) Notice of default on performance secured by cash or negotiable securities deposit.

If a cash or negotiable securities deposit has been posted by the applicant, notice and procedure shall be the same as provided for subsection (b) of this section.

(d) Release from performance bond conditions.

The performance bonding requirement shall remain in full force and effect for twelve (12) months following completion of the project, or longer if deemed necessary by the building official or his/her designee.

SECTION 2. Approval - Expiration - Renewal

(a) Every approval granted herein shall expire at the end of the time period sets forth in the conditions. The developer shall fully perform and complete all of the work required within the specified time period.

(b) If the developer is unable to complete the work within the designated time period, he shall, at least thirty (30) days prior to the expiration date, submit a written request for an extension of time to the building official or his/her designee, setting forth the reasons underlying the requested time extension. If the extension is warranted, the building or his/her designee may grant an extension of time up to a maximum of one (1) year from the date of the original deadline. Subsequent extensions under the same conditions may be granted at the discretion of the building official.

SECTION 3. Maintenance of Measures.

Maintenance of all erosion-sediment control devices under this Ordinance shall be the responsibility of the owner. Such erosion-sediment control devices shall be maintained in good condition and working order on a continuing basis. Water-courses originating and located completely on private property shall be the responsibility of the owner to their point of open discharge at the property line or at a communal water-course within the property.

SECTION 4. Liability of Applicant.

Neither approval of an erosion and sediment control plan nor compliance with any condition of this chapter shall relieve the owner/applicant from any responsibility for damage to persons or property, nor impose any liability upon the Town for damages to persons or property.

ARTICLE VII

SECTION 1. Inspections

(a) Periodic Inspections: The provisions of this Ordinance shall be administered and enforced by the

building official or his or her designee. All work shall be subject to periodic inspections by the building official, or his or her designee.

All work shall be performed in accordance with an inspection and construction control schedule approved by the building official or his or her designee, who shall maintain a permanent file on all of his or her inspections. Upon completion of the work, the developer or owner(s) shall notify the building official or his/her designee that all grading, drainage, erosion, and sediment control measures and devices, and vegetation and ground cover planting has been completed in conformance with the approval, all attached plans, specifications, conditions, and other applicable provisions of this ordinance.

- (b) Final Inspection: Upon such notification of the completion by the owner, the building official or his/her designee shall make a final inspection of the site in question and prepare a final summary inspection report of its findings which shall be retained in the department of public works permanent inspections file.

The applicant/owner may request the release of his/her performance bond from the building official or his/her designee twelve (12) months after the final site inspection has been completed and approved. In the instance where the performance bond has been posted with the recording of a final subdivision, the bond shall be released after the building official or his/her designee twelve (12) months after the final site inspection has been completed and approved. In the instance where the performance bond has been posted with the recording of a final subdivision, the bond shall be released after the building official or his/her designee has been notified by the town planning director of successful completion of all plat improvements by the applicant/owner.

ARTICLE VIII

NOTIFICATION

SECTION 1. Non-Compliance.

If at any stage, the work-in-progress and/or completed under the terms of an approved erosion and sediment control plan does not conform to such plan, a written notice from the building official or his/her designee to comply shall be transmitted by certified mail to the owner. Such notice shall set forth the nature of the temporary and permanent corrections required and the time limit within which corrections shall be completed as set forth in ARTICLE VIII. Section 2(b). Failure to comply with the required corrections within the specified time limits shall be considered in violation of this chapter, in which case the performance bond or cash or negotiable securities deposit shall be subject to notice of default, in accordance with ARTICLE VI, Section 6 1(b) and (c) of this Ordinance.

SECTION 2. Penalties.

- (a) Revocation or suspension of approval: The approach of an erosion and sediment control plan under this chapter may be revoked or suspended by the building official and all work on the project halted for an indefinite time period by the building official after written notification is transmitted by the building official to the developer for one or more of the following reasons:
 - (1) Violation of any condition of the approval plan, conditions, or specifications pertaining thereto;
 - (2) Violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation related to the work or site of work; and

- (3) The existence of any condition or the performance of any act constituting or creating a nuisance, hazard, or endangerment to human life or the property of others, or contrary to the spirit or intent of this Ordinance.
- (b) Other Penalties: In addition thereto, whenever there is a failure to comply with the provisions of this act, the Town shall have the right to notify the applicant/owner that he or she has five (5) days from the receipt of notice to temporarily correct the violations and thirty (30) days from receipt of notice to permanently correct the violations.
Should the applicant/owner fail to take the temporary corrective measures within the five (5) day period and the permanent corrective measures within the thirty (30) day period, the Town shall then have the right to take whatever actions it deems necessary to correct the violations and to assert a lien on the subject property in an amount equal to the costs of remedial actions. The lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. The lien shall be recorded with the records of land evidence of the municipality, and the lien shall incur legal interest from the date of recording. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this chapter, including revocation of the performance bond or assessment of a lien on the property by the Town.

ARTICLE IX.

SECTION 1. Definitions of Selected Terms.

APPLICANT: Any person(s), corporation, or public or private organization proposing a development which would involve disturbance to the natural terrain as herein defined.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEVELOPMENT PROJECT:
Any construction, reconstruction, demolition, or removal of structures, roadways, parking, or other paved areas, utilities, or other similar facilities, including any action requiring a building permit by the Town.

LAND DISTURBING ACTIVITY:
Any physical land development activity which included such actions as clearance of vegetation; moving or filling of land; removal or excavation of soil or mineral resources; or similar activities.

EROSION: The removal of mineral and/or organic matter by the action of wind, water, and/or gravity.

EXCAVATE: Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting therefrom.

FILL: Any act by which earth, sand, or other material is placed or moved to a new location above-ground. The fill is also the difference in elevation between a point of existing undisturbed ground and a designated point of higher elevation of the final grade.

PUBLIC WORKS DEPARTMENT:
The municipal agency charged with the responsibility to maintain the transportation network of streets, roads and public rights-of-way. The director shall be that person who

supervises the functions of such an agency.

SEDIMENT: Solid material, both mineral and/or organic, that is in suspension, is being transported, or has been moved from its site or origin by wind, water, and/or gravity as a product of erosion.

SOIL EROSION AND SEDIMENT CONTROL PLANS:

The (approved) document required before any person may cause a disturbance to the natural terrain within the Town as herein regulated. Also, herein referred to as erosion and sediment control plan, approved plan.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow and including seepage flows that do not enter the soil but run off the surface of the land. Also, that portion of water that is not absorbed by the soil, but runs off the land surface.

WATER-COURSE:

The term water-course shall be held to mean any tidewater or coastal wetland and its mean high water level, and any fresh water wetland at its seasonal high water level, including but not limited to any river, stream, brook, pond, lake, swamp, marsh bog, fen, wet meadow, or any other standing or flowing body of water. The edge of the water-course as herein defined shall be used for delineation purposes.

SECTION 2. Severability.

If any provision of this Ordinance or any rule or determination made hereunder, or application hereof to any person, agency, or circumstances is held invalid by a court of competent jurisdiction, the remainder of this Ordinance and its application to any person, agency, or circumstances shall not be affected thereby.

SECTION 3. This ordinance shall take effect upon its passage. **ADOPTED:** May 18, 1995, **EFFECTIVE:** June 12, 1995.

COMMENTS REGARDING EROSION AND SEDIMENT CONTROL ORDINANCE

This Ordinance has undergone extensive changes. All towns which adopt erosion and sediment control ordinances are required by 45-46-4 of the Rhode Island General Laws to adopt a model ordinance set forth in 45-46-5. The model ordinance was changed extensively by the General Assembly in 1990, Public Laws Chapter 261, Section 1, and again in 1991, Public Laws Chapter 152, Section 1. The substantive changes made to this ordinance were all necessary for compliance with state law.

Barbara E. Robertson, Town Clerk

History of Ordinance: **ADOPTED** by the Town Council July 13, 1989; **CODIFIED** Dec. 12, 1991; **EFFECTIVE** January 6, 1992; **AMENDED** May 18, 1995, **EFFECTIVE** June 12, 1995.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-06-03

**GLOCESTER SUBDIVISION REGULATIONS
FLOOD HAZARD AMENDMENT**

SECTION 14. Flood Hazard Areas

The following requirements shall apply to any plat which is located wholly or partly within Zone A and Zones A1-A30 as identified on the Flood Insurance Rate Map as part of the Flood Insurance Study which also includes the flood boundary and floodway map. Said maps and any amendments thereto are hereby made part of this section of these regulations.

- (a) The preliminary plat and final plat shall show the location of any portion of the plat which lies within any Zone A or Zones A1-A30 and the floodway and shall show the base flood elevation as prescribed for these zones at the specific location. Where the plat location is entirely within these zones, it shall be noted on the plat drawing.
- (b) In grading land and installing improvements, no watercourse shall be altered in such a manner as to reduce its carrying capacity. Prior to permitting any alteration or relocation of a water course, the Planning Board will send notification to the neighboring communities, the Rhode Island Statewide Planning Program and the Federal Insurance Administration.
- (c) All plat proposals will be reviewed by the Planning Board or its agent to assure that:
The design of the plat is consistent with the need to minimize flood damage.
Public improvements, facilities, and utilities are constructed or installed in a manner that will minimize flood damage.
Adequate drainage will be provided to minimize the accumulation of water.

This Ordinance shall take effect upon its passage. ADOPTED: Dec.12, 1991, EFFECT: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED July 12, 1979 by the Town Council; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-06-04

THE GLOCESTER TREE ORDINANCE

PURPOSE: An ordinance regulating the protection, maintenance, removal and planting of trees in the

public right-of-way, parks, and all public property within the Town of Gloucester and on private property endangering the public and/or public property, establishing the Gloucester Tree Board which, together with the Town Tree Warden shall recommend for Town Council approval the establishment of regulations relating to the protection, maintenance, removal, and planting of trees in the above-mentioned public and private places, providing for the maintenance or removal of trees on private property when the public safety is endangered and prescribing penalties for violations of its provisions, as amended. The provisions of this ordinance shall apply to all property within the Town of Gloucester.

This ordinance will serve to protect the health, safety and welfare of the citizens of Gloucester by regulating tree management activities.

The protection of this valuable natural resource will serve to enhance the community in the following ways:

- a. Aid in the prevention of air, noise and visual pollution.
- b. Aid in the stabilization of soil.
- c. Enhance property values.
- d. Provide glare and heat protection.
- e. Enhance the aesthetics and general quality of life of the Town.

This ordinance shall be known and may be cited as the “**Gloucester Tree Ordinance**”.

SECTION I. DEFINITIONS:

For the purposes of this tree ordinance, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future and words in singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Applicant - means a person who is applying for a license or permits required by this ordinance.

Approval - means written assent from the Gloucester Town Tree Warden pursuant to a duly executed application for approval made on a form promulgated by the Town of Gloucester.

D.B.H. - Diameter at breast height, at 4.5' (1.37m) from the ground level.

Town Tree Warden - is the Municipal Arborist, Town Tree Warden, Landscape Architect, Director, Division of Grounds Maintenance Services, Supervisor Community Forestry Operations or other qualified designated official of the Town assigned to carry out the enforcement of this Ordinance.

Person - is any person, firm, partnership, association, corporation, company, or organization of any kind

including public utility and Town department.

Street or Highway - is the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

Parks - shall include any Town public spaces designated for recreation and/or conservation.

Public place - shall include any other ground owned by the Town.

Property line - shall mean the boundary between private and Town owned land.

Tree - Any living, self-supporting woody plant that has a well-defined stem(s) with a caliper of at least 1 ½ inches (3.81cm) at D.B.H. at 4.5' (1.37m) from the ground level and capable of reaching a height greater than sixteen (16) feet.

Tree lawn - is that part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Public Trees - shall include all trees now or hereafter growing on any street, park, or any other public place.

Property Owner - shall mean the person owning such property as shown by the Records of the Recorded Deeds of the Town of Gloucester.

Tree Removal - includes any act that will cause a tree to die within a three- (3) year period.

Tree Well - opening is the ground area surrounding the base of the tree trunk not covered by sidewalk and paving.

SECTION II. THE TREE BOARD

A. The Gloucester Tree Board, hereinafter referenced to as the "Board" shall be the Gloucester Conservation Commission and shall act in an advisory role to the Tree Warden over all forestry functions including the planting, care and removal of trees, shrubs and other plants on the properties for which it is responsible. They shall do all acts necessary and develop tree planting specifications and tree care guidelines to insure the proper care, management, improvement, maintenance and protection of the public parks and street trees under their jurisdiction.

B. The duties of said "Board" shall be interpreted to include, but not be limited to an advisory role to the Tree Warden on the protection, maintenance, removal, and planting of trees on public property, and to make such recommendations from time to time to the Town Tree Warden to desirable regulations concerning the tree program and activities for the Town.

SECTION III. THE TOWN TREE WARDEN

A. Appointment and Qualifications of the Town Tree Warden .

The Town Tree Warden shall be nominated by the Gloucester Town Council and appointed by RI Department of Environmental Management. Said person shall have training and experience in arboriculture, and shall have passed the Rhode Island Arborist exam.

B. Duties of the Town Tree Warden

1. The Town Tree Warden shall affirm and endorse the purpose and intent of the Gloucester Tree Ordinance and shall cause the provisions of this Ordinance to be enforced;
2. The Town Tree Warden may, with the advice of the Gloucester Tree Board and the approval of the Gloucester Town Council, prepare and enact a Systematized Tree Management and Annual Tree Planting Program for the Town of Gloucester, which may be prepared as an integral part of a Master Systematized Tree Management and Tree Planting Plan.
3. The Town Tree Warden is further charged with keeping informed of environmental and technical changes that could affect the Town's public and protected trees.
4. It shall also be the duty of the Tree Warden with assistance of the tree board to implement such rules, regulations, and permit and penalty procedures as are deemed necessary to carry out the intent and enforcement of this ordinance.
5. The Town Tree Warden shall communicate and work with all civic and public interest groups interested in or devoted to tree care, preservation or planting.

C. Authority of the Town Tree Warden

1. The Town Tree Warden shall have the authority and jurisdiction of regulating and enacting the maintenance, removal, and planting of public and protected trees to insure public safety, preserving the aesthetics of public sites with regard to trees, and protecting the value and health of Gloucester's community forest as a whole.
2. The Town Tree Warden shall consider the existing and future utility and environmental factors when recommending a specific species for each of the streets and other public sites and when issuing permits for tree work, removal, or planting;
3. The Town Tree Warden shall have the responsibility of regularly updating the Master Systematized Tree Management and Planting Program;
4. The Town Tree Warden shall have the authority to review all requests for permits for any

planting, removal, pruning, and/or trimming or cutting of trees in any public area, with the exception of an historic or protected tree. He shall also have the authority to grant or deny and to attach reasonable conditions to all permits with the exception of those specifically exempted herein.

5. The Town Tree Warden shall enforce such rules, regulations and permit and penalty procedures as are deemed necessary to enforce the intent of this ordinance;

D. Authority of the Town Tree Warden to Remove and Trim Trees Endangering the Public and/or Public Property.

1. The authority of the Tree Warden to enter upon private property to deal with trees endangering the public and/or public property is set forth generally in RIGL 2-14, Tree Wardens, and in particular in RIGL Section 2-14-5, Section 2-14-8, Section 2-14-9, and Section 2-14-10.

SECTION IV. PUBLIC DANGER OF OBSTRUCTION: TREES PRUNED, REMOVED, OR TREATED

A. It shall be the duty of person(s) owning or occupying real property bordering on any public street of thoroughfare, upon which property there may be trees, to prune in such manner that they will not obstruct or shade street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the view of any street or intersection so as to pose a threat to pedestrian or vehicular safety. The minimum clearance of any overhanging portion thereof shall be eight (8) feet (2.44 m) over sidewalks, and twelve (12) feet (3.65 m) over all streets and thoroughfares and/or at the discretion of the Town Tree Warden;

SECTION V. PROTECTION OF PUBLIC TREES

A. During development, redevelopment, razing or renovating, no trees shall be cut, damaged or removed except by specified permit. All trees removed, destroyed, or severely damaged shall be replaced as specified in the permit at the expense of the permittee. The total caliper of all trees planted in the course of restoration shall in no event be less than the total DBH of all trees removed. Replacement shall be made with 2 1/2 to 4 inch caliper trees and/or as directed by the Town Tree Warden.

If sufficient tree planting locations are unavailable within the contract area, the replacement trees shall be planted within the Town as determined by the Town Tree Board.

B. All trees within 30 feet (9.1 m) of any excavation or construction of any building, structure, or street work shall be guarded through the length of the project with a good substantial fence, frame, or box not less than 4 feet (1.2 m) high and 8 feet (2.4 m) square, or equivalent. All equipment, building materials, chemicals, dirt, or other debris shall be kept outside the barrier at all times. Road maintenance, reconstruction, and resurfacing done by or under the direction of the Gloucester Department of Public

Works are excluded.

C. No person shall intentionally damage, cut, carve or transplant any tree: attach any rope, wire, nails, advertising posters, or other contrivance to any tree: allow any gaseous, liquid, chemical, or solid substance that is harmful to such trees to come in contact with them: or set fire or permit any fire to burn when such fire of the heat thereof will injure any portion of any tree without first obtaining a written permit from the Town Tree Warden.

D. No person shall deposit, place, store, or maintain any stone, brick, sand, fill dirt, concrete, or other materials that may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written permit of the Town Tree Board. Road maintenance, reconstruction, and resurfacing done by or under the direction of the Gloucester Department of Public Works are excluded.

E. No person shall preclude the percolation of water or nutrients and gaseous exchange vital to a tree's survival by the placing any impervious materials (asphalt, macadam, and concrete within the confines of the tree well opening. Road maintenance, reconstruction, and resurfacing done by or under the direction of the Gloucester Department of Public Works are excluded.

SECTION VI. PLANTING OF TREES UPON ANY PUBLIC STREET OR PUBLIC PLACE

A. Any person desiring to plant a tree upon any public street or public place must first obtain a permit from the Town Tree Board. Any permit shall be granted to a date certain and shall include consideration of appropriateness of species, location, size, and public safety.

B. Should the planting(s) be performed by persons other than the Town Tree Warden or his agents, the proposed method and workmanship for planting as prescribed by the Town Tree Warden shall be adhered to;

C. A planting plan is required where more than six (6) trees are to be planted.

1. Any person desiring to plant more than six (6) trees on public streets or on public places, shall, in addition to applying for a permit, submit a plan or written statement in duplicate to the Town Tree Board, who shall return one copy to the applicant and keep one copy on file with the Town. The Town Tree Warden shall consult with the Gloucester Tree Board prior to issuing a permit to plant;

2. All planting plans shall show accurately:

- a. The proposed park or public place site, or proposed street width, with any curbs, parking strips driveways, sidewalks and adjacent structures defined to scale;
- b. The proposed location of each proposed tree, together with the location of each existing tree within the proposed site in scaled relation to the other features of the plan;
- c. The species of each and every tree proposed to be planted and of these already existing within the proposed site, either indicated on the plans or referenced with a number with a

key list.

SECTION VII. EMERGENCIES

The requirements of this ordinance may be waived by the Town in the case of emergencies as declared by the Town Council, Public Works Director or Safety Committee, such as windstorms, ice storms, or other disasters so that they, in no way, shall hinder private or public work to restore order in the Town. This work shall follow maintenance standards as outlined by the Town Tree Board.

SECTION VIII. MOVING LARGE OBJECTS

No person shall move any building or any other large object that may injure public or protected trees or parts thereof, without first obtaining the written approval of the Town Tree Board and abiding by their requirements.

SECTION IX. PERMITS REQUIRED

A. A permit shall be a written document that authorizes the bearer thereof to perform the proposed work as outlined on such permit. The permit shall be issued only by the Town Tree Warden or his/her representative.

B. A permit shall be obtained by filling out an application. Upon approving the application, the Town Tree Warden or his/her representative shall issue said permit.

C. A permit shall be required for planting, spraying, pruning, cutting above ground, removing, or otherwise disturbing any public tree on any street, park or other public place. Road maintenance, reconstruction, and resurfacing done by or under the direction of the Gloucester Department of Public Works are excluded.

D. The Town Tree Warden shall issue any permit provided for herein if the proposed method and workmanship shall be of a satisfactory nature and the project shall be consistent with this ordinance. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed in the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

E. The Town Tree Board shall be notified by the bearer of said permit upon satisfactory completion of designated work.

F. Plantings:

1. The application required herein shall state the number of trees to be set out or planted on public places, the location, grade, species, cultivar of variety of each tree, the method of planting, and such other information as the Town Tree Warden shall find reasonably necessary to a fair determination of whether a permit should be issued.

2. The Town Tree Warden shall have the right to make the final determination as to location, species, cultivar or variety of each tree and the method of planting before issuing said permit.

G. Maintenance - The application required herein shall state the number and kinds of trees to be sprayed, fertilized, pruned, or otherwise preserved; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the Town Tree Warden shall find reasonably necessary to a fair determination of whether a permit should be issued.

H. Removal, Replanting and Replacement:

1. Wherever it is necessary to remove a tree in connection with the paving of a sidewalk, or the widening of the portion of a street or highway, the Town shall require the party responsible for the paving or widening to replant the tree or replace it as deemed necessary by the Town Tree Board. This requirement will be satisfied if an equivalent number of trees of the same size and species as provided in the Arboricultural Specifications and Standards of Practice are planted within the Town.

2. No person shall remove a public tree for the purpose of construction or any other reason, without first filing an application and procuring a permit from the Town Tree Warden. The Town Tree Warden may require replacement of a removed tree as a condition to the issuance of a permit. Such replacement shall meet the standards of size, species and placement as provided for in a permit issued by the Town Tree Warden. The person or property owner shall bear the cost of removal and replacement of all trees removed.

SECTION X. REGISTRATION OF TREE EXPERTS

To protect the public, the Town shall require any person who removes or maintains trees on public property as a business to be:

- A. Properly licensed to perform such work.
- B. Certified by State of Rhode Island or any other Agency that regulates arboricultural practices.
- C. Covered by Workman's' Compensation to the extent required by Rhode Island law and Public Liability and Personal Property, Insurance in minimum amounts hereinafter mentioned adequate to cover and save harmless the Town of Glocester and its agents from all suits, claims, or actions of every class and nature for or on persons, or property damage caused or claimed to be caused, directly or indirectly by the conduct of the work contemplated, or by in by acts of strangers, or any conditions due to the elements or any defects or insufficiencies in any method material ways machinery equipment or apparatus used in connection with the work.

Public Liability Insurance with limits of not less than \$500,000 shall be carried.

- D. Bonded

E. Insured (Medical)

XI. INTERFERENCE WITH TOWN TREE WARDEN

No person shall hinder, prevent, delay or interfere with the Town Tree Warden or any of his assistants while engaged in carrying out the implementation of this Ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the Town.

XII. APPEALS

Appeals of the Tree Boards findings may be appealed to the Town Tree Warden.

Any adjustment of the standards required by this Ordinance or an appeal of a decision of the Town Tree Board shall be taken to the Town Tree Warden. The Tree Warden upon receipt of such request, on forms provided by the Town Tree Warden, shall have the authority and duty to consider an act upon the request. This application shall clearly and in detail state what adjustments or requirements are being requested, reasons such adjustments or requirements are being requested, reasons such adjustments are warranted, and shall be accompanied with such supplementary data as is deemed necessary to substantiate the adjustment. The Town Tree Warden may approve, modify, or deny the requested adjustment, based upon protection of public interest, preservation of the intent of this Ordinance, and possible unreasonable and unnecessary hardships involved in the case.

The Board shall act on the application as expeditiously as possible and shall notify the applicant in writing within five (5) days of the action taken.

XIII. VIOLATION AND PENALTY

Any person violating or failing to comply with any of the provisions of this Ordinance shall be subject to court action and upon conviction thereof, shall be subject to a fine of up to \$ 1000.00 and/or the values of the trees removed or damaged.

In addition, the person shall replace the tree and/or repair damage with a size and species permitted by the Town Tree Warden.

Each tree affected by noncompliance with this Ordinance shall constitute a separate violation.

Violation of the Ordinance shall be the basis of withholding a final inspection permit until such violation is corrected to the satisfaction of the Town Tree Warden and/or Tree Board.

XIV. LEGALITY OF ORDINANCE AND PARTS THEREOF

Should any section clauses or provisions of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or part thereof, other than the part so declared to be invalid.

XV. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law.

ADOPTED: April 15, 1999, EFFECTIVE: May 13, 1999.

Barbara E. Robertson, CMC Town Clerk

History of Ordinance: ADOPTED by the Town Council on April 15, 1999, Effective May 13, 1999.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

2-06-05

An Ordinance Establishing a Wastewater Management District

SECTION I. Preamble

A. An ordinance establishing a town-wide wastewater management district pursuant to Rhode Island General Laws, Chapter 24.5, Sections 45-24.5-1 et seq., entitled “Wastewater Management Districts.”

B. The Legislative findings set forth in 45-24.5-2, entitled “Legislative findings,” are hereby incorporated herein by reference as findings of the Town of Glocester.

C. In addition, the Town of Glocester finds that: (i) all residents of the Town of Glocester are dependent upon groundwater for all drinking, cooking, cleaning and bathing needs; (ii) the contamination of the Town’s groundwater supply could seriously impact the health, safety and welfare of those living in, working in, or visiting the Town; (iii) that all residents and businesses in the Town utilize cesspools, septic systems or some other form of individual septage disposal system to dispose of septage wastes, including some which are substandard and predate the Regulations of the State of Rhode Island; and (iv) that the Town is also dependant upon the ponds, lakes and other surface waters to restore and replenish groundwater, provide attractive residential and recreational areas for residents and visitors and habitat for wildlife which could become contaminated by failed septage disposal systems.

D. The adoption of a wastewater management district is consistent with the goals of the Comprehensive Community Plan of the Town by protecting the rural character of the Town, protecting its natural resources while planning and preparing for the future of the Town and its growth.

E. The adoption of a wastewater management district is consistent with the goals of the Zoning

Regulations of the Town and promotes the purposes expressed in Rhode Island General Laws, Chapter 24, Section 45-24.30, entitled "General Purposes of zoning ordinances."

SECTION II. Purpose

The purpose of this ordinance is to establish a town-wide wastewater management district to prevent the contamination of the Town's water resources, eliminate failed or malfunctioning individual subsurface disposal systems, such as cesspools and septic systems, take advantage of such state and federal programs, grants, loans and other funding as may be or become available from time to time or as may be raised and to implement the recommendations of the Wastewater Management Commission.

SECTION III. Creation of Wastewater Management District

A wastewater management district pursuant to Rhode Island General Laws, Chapter 24.5, Sections 45-24.5-1 et seq., entitled "Waste Water Management Districts," encompassing all of the areas of the Town of Glocester is hereby created.

SECTION IV. Definitions

A. Any term not herein defined shall be governed and deemed to have the definition as it appears in the Rhode Island Rules and Regulations governing Individual Sewage Disposal Systems as adopted by the State of Rhode Island from time to time.

B. The following terms shall have the meanings set forth herein:

(1) Building Sewer: The pipe which begins outside the building wall and extends to any place or mechanism of sewage disposal, including, but not limited to, a cesspool or septic system.

(2) Cesspool: Any buried chamber, including, but not limited to, any metal tank, perforated concrete vault or covered hollow or excavation which receives discharges or sanitary sewage from a building sewer for the purpose of collecting waste solids and/or discharging liquids to the surrounding soils. Cesspools are not an approved method of sewage disposal, and all existing cesspools are hereby deemed substandard.

(3) Failed System: Any sewage disposal system that does not adequately treat and dispose of sewage that consequently creates a public or private nuisance or threat to public health and/or environmental quality, as evidenced by, but not limited to, one or more of the following conditions:

(i) failure to accept sanitary sewage from the building sewer;

(ii) discharge of wastewater, either directly or indirectly to a subsurface drain, surface drain, wetland or surface water body;

(iii) effluent rising to the surface of the ground over or near any part of an ISDS or seeping down-gradient from the absorption area at any change in grade, bank or road cut;

(iv) discharge of improperly treated effluent to ground or surface waters resulting in contamination of ground and/or surface waters due to any physical, chemical, biological or radiological substance or nutrients;

(v) inadequate treatment and disposal of wastewater due to deterioration, damage or improper design of any ISDS, such as inadequate separation distance from the bottom of the system to groundwater or impervious layer or damage from a vehicle driven over a leach field; or

(vi) pumping records indicate very frequent septic tank or cesspool pumping. A system shall be considered in need of repair or alternation if the system has been pumped or is in need of pumping two or

more times in a calendar year.

(4) Individual Sewage Disposal System (“ISDS”): A system installed to provide sanitary sewage disposal by means other than discharge into a public sewer system.

(5) Maintenance: The regular cleaning of any leaching chamber, cesspool, septic tank, building sewer, distribution lines or any other component of an ISDS for the purpose of removing any accumulated liquid scum and/or sludge. The term “maintenance” shall also mean any regularly required servicing or replacement of related mechanical, electrical or other equipment.

(6) Malfunctioning System: A malfunctioning system shall be synonymous with failed system.

(7) Owner: Any person who alone or jointly or severally with others: (i) has legal title to any premises; or (ii) has control of any premises as agent, executor, executrix, administrator, administratrix, trustee, guardian of an estate of the holder of the legal title, or any person who controls the premises pursuant to the terms of any agreement of purchase or management.

(8) Repair: Any work performed on an ISDS in order to mend or renovate a specific defect or deficiency after the failure, damage, deterioration or partial destruction of a previously existing ISDS or component thereof. A repair shall not include any work performed on an existing ISDS that increases the flow capacity of the system.

(9) Septage: The solid or liquid materials which are pumped from an ISDS.

(10) Septic System: For purposes of this ordinance, septic system is an ISDS.

(11) Septic Tank: A water-tight receptacle which receives the discharge of sewage and is designed and constructed to permit the deposition of settled solids, the digestion of the matter deposited and the discharge of the liquid portion into a leaching system.

(12) Violation:

(i) Failure to comply with and adhere to the rules and regulations established by the Board pursuant to this Ordinance;

(ii) The improper discharge of sanitary sewage from a failed ISDS;

SECTION V. Creation of Board

A. A Wastewater Management Board (the “Board”) is hereby established to administer this ordinance in accordance with the purpose hereof and the powers granted to such board pursuant to the terms of this ordinance.

B. The membership of the Board shall consist of seven (7) individuals. The Board shall have no more than three (3) members from any one (1) political party. Each member shall be appointed by the Town Council. The initial appointments shall be made in such a manner so that the terms do not all expire at the same time, but no appointment shall be for a term of greater than five (5) years. Thereafter, all terms shall be for five (5) years. Any member may be reappointed to serve up to three (3) consecutive terms. Each member may hold office until the expiration of the term to which the member has been appointed. In the event of any vacancy, the Town Council may fill the vacancy with an individual to serve the remainder of the unexpired term.

C. The Board shall have at least six (6) regular meetings per year. Special meetings may be held as the bylaws, adopted by the Board, may provide. All meetings shall be subject to the so-called open meetings’ laws of the State of Rhode Island.

D. The Board shall elect a chairperson, a vice-chairperson and a secretary.

E. Bylaws adopted by the Board shall provide that a quorum shall consist of at least four (4) members.

F. The Town Council may remove any member of the Board for misconduct, incompetency, neglect of duty or for any other sufficient cause in a manner which is consistent with the laws of the State of Rhode Island.

G. The Town Council may establish the compensation of the members of the Board from time to time. However, this provision shall not be construed as requiring the payment of any compensation.

H. The rules and regulations which may from time to time be adopted by the Board shall be adopted in accordance with the following procedure:

(1) Prior to the adoption, amendment or repeal of rule, the Board shall: (i) give at least twenty (20) days notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and of the time when, the place where, and manner in which interested persons may present their view thereon. The notice shall be published in a newspaper, newspapers, or other publication having general circulation throughout the Town. Copies of proposed rules shall be available at the Board and by mail to any member of the public upon request; (ii) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In the case of rules, opportunity for oral hearing must be granted if requested by twenty-five (25) persons or by a governmental subdivision of the Town. The Board shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the Board, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein the Board's reasons for overruling the consideration urged against its adoption.

VI. Powers of Board

A. The Board shall establish such rules and regulations for the conduct of its own proceedings, for examining permits, for public education programs, review of compliance rules and regulations of the Board, hearings, investigations, planning for current and future wastewater disposal needs, raising and obtaining funds for its operations, assessment of penalties, fines and levies, and as may otherwise be necessary and proper for the implementation of this ordinance and which are consistent with the laws of the State of Rhode Island, of the United States of America and the charter of the Town.

B. The Board shall have the power to adopt and amend all bylaws and rules of procedure, not inconsistent with the constitution and laws of the State of Rhode Island, the Town Charter, the constitution and laws of the United States of America or this ordinance which may be reasonably necessary for the proper performance of its duties. Specifically, the Board is granted the following powers:

(1) to establish a public education program, which shall precede the implementation of any inspection or pumping schedules or any enforcement activities of the Board, to make property owners aware of the proper maintenance and care of an individual septage disposal system and the need for periodic pumping. Once the inspection and pumping schedules are established, the education program shall remain in place to educate new residents and to update the board members and existing residents of the Town on new information or procedures.

(2) to provide for the passage of management district employees, officials, board members or their specifically designated agents to pass unto private property with the consent of the property owner, tenant, or upon a showing of probable cause before a judge or magistrate of the Courts of the State of Rhode Island of a violation of the rules and regulations established by the Board, when necessary for investigations and inspections of septic systems;

(3) to order the maintenance and/or pumping of an individual septage disposal system in accordance with an appropriate schedule;

- (4) to establish appropriate schedules for the inspection and pumping of individual septage disposal systems;
- (5) to raise funds for the administration, operation, contractual obligations and services of the wastewater management district by:
 - (a) assessing property owners for annual fees or assessments which have been approved by the Town Council.
 - (b) borrowing, and for that purpose, by issuing bonds or notes of the Town which have been approved by the Town Council;
 - (c) seeking, applying for and obtaining grants and other funds from the State of Rhode Island and/or the United States of America; and
 - (d) the budget and rates established by the Board and approved by the Town Council shall be presented at the annual Town Financial Meeting for approval of the electorate of the Town.
- (6) to hire personnel necessary to carry out the functions of the district;
- (7) to seek and receive grants of funds from governmental agencies or private groups;
- (8) to establish a revolving fund to make available grants and low interest loans to individual property owners for the improvement, correction, repair or replacement of failed septic systems;
- (9) to authorize and contract with independent septage haulers and inspectors
- (10) to contract with other cities and towns for septage disposal through sewage treatment plants with the approval of the Town Council and through such procedures for authorization, such as submission for voter approval, as the Town Council, in its discretion, may prescribe and as are required by law.
- (11) to prohibit the discharge of any septage wastes into any surface matters or unto the surface of the ground;
- (12) to levy fines for noncompliance; however, any such fines shall not be greater than Five Hundred (\$500) Dollars per violation. Each day of continuing violation shall constitute a separate and distinct violation. All fines collected shall go to a dedicated fund for the purpose of operating the wastewater management district. Before the assessment of any fine, rules and regulations of the Board shall provide for a hearing. Further, the rules and regulations shall provide that any person aggrieved by the final decision of the Board in assessing a fine, ordering compliance or other action shall have the rights of appeal pursuant to Rhode Island General Laws, Administrative Procedures Act, Chapter 35 of Title 42 and to the district court.
- (13) The rules and regulations established by the Board shall provide for a method of periodic inspection of sewage disposal systems in the Town which are suspected of being deficient. The said rules and regulations shall permit the property owner to select and hire the licensed inspector and/or pumper to perform the said scheduled inspections and to pump the septic tank when appropriate. The inspections shall, at a minimum, include reporting on:
 - (i) septic tank levels;

- (ii) surface breakout unto the ground surface;
 - (iii) lush plant growth over and near the tank or leach field;
 - (iv) odor;
 - (v) the presence of trees within ten (10) feet of the leach field;
 - (vi) the presence of imperious areas over the leach field;
 - (vii) to determine whether there is any discharge of septage unto the surface of the ground or into any surface water;
 - (viii) any recommendations of the inspector to bring the system into compliance with rules and regulations of the Rhode Island Department of Environmental Management and the Board. Further, the results of all inspections shall be reported to the Board within thirty (30) days of inspection. The Board shall review the inspection reports and give notice to any property owner whose individual septage disposal needs corrective action of the corrective action need. The rules and regulations of the Board shall provide for the property owner to have at least thirty (30) days to contact the Rhode Island Department of Environmental Management, in writing, and apply for the necessary permit to repair or replace the system, if necessary, or to take such other corrective action as may be necessary. Requests for hearings shall be made within this thirty (30) day period. In the event an inspection simply reveals the need for the system to be pumped, the property owner shall be required to produce evidence of pumping by an authorized septage hauler within thirty (30) days of the date of the inspection.
 - (ix) the Board shall maintain records of its proceedings, of all notices of violations, inspections, pumping, reports of the Wastewater Commission and its predecessors, reports generated by the Board or by professional consultants hired by the Board, and other documents pertaining to the business of the Board. The records of the Board shall be prima facie evidence of the proceedings of the Board.
- (14) to contract with engineers and licensed septic system installers to effectuate the repair or the replacement of any failed or defective septic system, cesspool or other individual septage disposal system on any property to which the property owner has refused to comply with the orders and directives of the Board after an additional written notice, hearing, expiration of any and all appeal periods, pursuant to the following procedure:
1. The property owner shall be afforded an opportunity for a hearing after reasonable notice.
 2. The notice shall include:
 - a. a statement of the time, place, and nature of the hearing;
 - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - c. a reference to the particular sections of the statutes and rules involved;
 - d. a short and plain statement of the matters asserted. If the Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved and a detailed statement shall be furnished.
 3. An opportunity shall be afforded all parties to respond and present evidence and argument on all

- issues involved.
4. Unless precluded by law, informal disposition may be made in any contested case by stipulation, agreed settlement, consent order or default.
 5. The record of a contested case shall include:
 - a. all pleadings, motions and intermediate rulings;
 - b. evidence received or considered;
 - c. statement of matters officially noticed;
 - d. questions and offers of proof and rulings thereon;
 - e. proposed findings and exceptions;
 - f. any decision, opinion or report by an officer presiding at the hearing; and
 - g. all staff memoranda or data submitted to the Board in connection with the case.
 6. Oral proceedings or any part thereof conducted by the Board in a contested case shall be transcribed on request of any party. A stenographer may serve as hearing reporter and such stenographer shall be paid by the Board.
 7. All findings of fact and decisions shall be based exclusively on the evidence and matters officially noticed.
 8. Irrelevant, immaterial and unduly repetitious evidence shall be excluded. The Board shall give effect to the rules of privilege recognized by law. The Board's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence and the Board may take notice of cognizable facts, especially of those matters within the Board's specialized knowledge regarding technical or scientific matters.
 9. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.
 10. The rules of evidence as applied in civil cases in the superior courts of the State of Rhode Island shall be followed, but when necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible under those rules may be submitted, except where precluded by specific statute, if it is a type commonly relied upon by reasonably prudent people in the conduct of their affairs. A party may cross-examine as may be required for a full and true disclosure of facts.
 11. Any final order adverse to a party in a contested case shall be in writing or stated in the record. Any final order shall include findings of fact and conclusions of law, separately stated. The party shall be notified either personally or by mail of any order along with all attorneys of record.
 12. No party or employee of the Board shall communicate with any member of the Board regarding any issue of law of any contested matter except upon notice and opportunity for all parties to participate but members of the Board may communicate with each other and may have the aid and advice of one or more personal assistants.
 13. Any person who has exhausted all administrative remedies available to him/her before the Board and who is aggrieved by a final order in a contested case is entitled to judicial review in the manner set forth in Rhode Island General Law, Section 42-35-15.
... and a final notice of impending action allowing for an additional thirty (30) day period for such property owner to commence compliance with the regulations, orders and directives of the Board.

Further, the Board is empowered to seek an order from the Superior Court for the County of Providence to enjoin the property owner from interfering with the efforts of the Board to effectuate the repairs or the replacement of the septic system on the property. In addition, the Board shall be empowered to assess all the incurred in enforcing its regulations, orders and directives, together with all the costs specifically of repairing or replacing the said septic system as a penalty and may attach the said property to enforce the payment of such penalty.

SECTION VII. Severability

If any of the provisions of this ordinance or if any rule, regulation, bylaw or order thereunder, or the application of that provision to any person or circumstance shall be held invalid, the remainder of this ordinance and the application of that provision of this ordinance as of that rule, regulation, bylaw or order to person or circumstances, other than those as to which it is held invalid, shall not be affected thereby.

SECTION VIII. Effective Date

This ordinance shall be effective upon passage by the Town Council of the Town of Glocester, Rhode Island. ADOPTED: June 10, 1999. EFFECTIVE: June 10, 1999.

Barbara E. Robertson, CMC, Town Clerk

History of Ordinance: ADOPTED by the Town Council on June 10, 1999, Effective June 10, 1999.

**SECTION 7
ROADS**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-07-01

**AN ORDINANCE DESIGNATING CERTAIN INTERSECTIONS AS
STOP INTERSECTIONS AND REQUIRING ALL VEHICLES TO STOP AT
ONE OR MORE ENTRANCES TO SUCH INTERSECTIONS**

SECTION 1. Obedience to Stop Signs.

The driver of a vehicle shall stop in obedience to a stop sign at the intersections set forth below, where a stop sign is erected at one (1) or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop, which are within the intersection or approaching so as to constitute an immediate hazard but may then proceed.

SECTION 2. Designation of Stop Intersections.

The intersections set forth herein are hereby designated as stop intersections and vehicles traveling in the direction specified on the road specified shall come to a full stop before proceeding. Vehicles traveling South on

Chestnut Oak Road at Tourtellot Hill Road; South on Long Entry Road at Cooper Road; North and South on Francis Road at Jeffrey Drive; North on Wilmarth Road at Chestnut Hill Road; East on Absalona Hill Road at Cooper Road; North and South on Farnum Road at Cooper Road; North on Farnum Road at Evans Road; North on Glen Drive at Spring Grove Road; North on Birch Road at Spring Grove Road;

Amended: Dexter Saunders Road, First entrance road to Ponaganset High School, and Second entrance road to Ponaganset High School at the intersection with Anan Wade Road.

SECTION 3. Penalties for Violation.

Every person convicted of a violation of this Ordinance, either Section 1 of Section 2 hereof, may be punished by fine not exceeding in amount of Five Hundred (\$500.00) Dollars or imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

SECTION 4. Severability of Provisions.

If any part or parts of this Ordinance shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this Title. The Town Council hereby declares that it would have passed the remaining parts of said Ordinance if it had known that such part or parts thereof would be declared unconstitutional.

SECTION 5. Effective Date.

This Ordinance shall take effect upon passage by the Town Council of the Town of Glocester and upon the posting of stop signs. AMENDED: Feb. 18, 1993, EFFECTIVE: Mar. 20, 1993.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council January 10, 1975; CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992; AMENDED: February 18, 1993, EFFECTIVE: March 20, 1993.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-07-02

DEPOSIT IN HIGHWAYS

SECTION 1.

Every person who shall deposit or place, or suffer to be deposited or placed, any stone, gravel, ashes or refuse in any of the streets or highways of this Town, except by permission of the Commissioner of Highways for the district where such stone, gravel, ashes, or refuse shall be deposited or placed, shall be fined

in the amount not to exceed \$100.00.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by Town Council June 30, 1883; AMENDED February 9, 1973; CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-07-03

PARKING ORDINANCE

SECTION 1.

No person shall park or cause to be parked any motor vehicle or other vehicle on that portion of the Spring Grove Road which is within 500 feet in either direction from the water gate at the dam of Spring Grove pond.

SECTION 2.

No person shall park or cause to be parked any motor vehicle or other vehicle on the southerly side of that portion of Chestnut Hill Road which lies between Wilmarth Road and the Sand Dam.

SECTION 3.

No person shall park or caused to be parked any motor vehicle or other vehicle on the easterly side of Winsor Road within three hundred (300) feet from the entrance to Winsor Park.

SECTION 4.

No person shall park or cause to be parked any motor vehicle on that portion of the George Allen Road at Ponaganset Dam which is within 600 feet in either direction from the water gate at the Ponaganset Dam.

SECTION 5.

Any vehicle parked in violation of this Ordinance shall be towed upon the order of the Police Department and will be released to its owner only upon payment of the applicable towing charges.

SECTION 6. Effective Date

This ordinance shall take effect upon its passage and publication as required by law. ADOPTED: July 17, 1997; EFFECTIVE August 12, 1997.

Barbara E. Robertson, CMC Town Clerk

History of Ordinance: ADOPTED by Town Council June 27, 1938; AMENDED September 10, 1976; AMENDED October 9, 1980; AMENDED December 15, 1983. CODIFIED December 12, 1991 and EFFECTIVE: January 06, 1992; AMENDED July 17, 1997, EFFECTIVE: August 12, 1997.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-07-04

**AN ORDINANCE GOVERNING USE OF
RICHARDSON CLEARING TRAIL**

SECTION 1.

It is hereby ordained unlawful to use Richardson Clearing Trail (also known as Cold Spring Trail), extending northward from Putnam Pike (Route 44), for vehicle access to and from the Bowdish Lake Camping Area, and each such user shall be subject to a fine of twenty (\$20) dollars, payable by the driver of any type of vehicle using the road for such purpose.

SECTION 2.

This ordinance shall be enforced by the Gloucester Police Department; they may allow fines to be paid by mail in lieu of court appearance for first-time violators; and they shall post a sign at each end of the road so described, setting forth the following warning followed by a copy of this ordinance:

WARNING--ACCESS LIMITED--\$20 FINE.
THIS ROAD MAY NOT BE USED FOR ACCESS
TO AND FROM THE BOWDISH LAKE CAMPING AREA.

SECTION 3.

This ordinance will take effect upon passage and will be incorporated in the next edition of the consolidated Gloucester Ordinances. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by Town Council March 11, 1977; CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-07-05

AN ORDINANCE GOVERNING EMERGENCY SNOW CONDITIONS

SECTION 1. Purpose.

It is hereby declared to be in public welfare, interest and safety that in order to insure the delivery of food and fuel to enable fire apparatus to reach all areas of the town, it is necessary that during and after a snow storm all town roads in the town be made passable. In order to facilitate the plowing of such roads, it may be necessary for the police department or highway department of the town remove vehicles interfering with the plowing of such roads.

SECTION 2. Snow Routes.

All town roads shall be considered snow routes for the purposes of this Ordinance during the period from November 30 through April 1 inclusive.

SECTION 3. TOWING OF VEHICLES IN SNOW ROUTES.

The Chief of Police shall have the authority to appoint such agents as he deems necessary to tow away parked, disabled or abandoned vehicles on snow routes during snow storms. Such vehicles shall be towed to the nearest area cleared by the Town for such purposes, if such area exists at the time of such towing. In the event that such area does not exist at the time of such towing, the vehicles shall be towed to any off-street area for storage until the vehicle is claimed by the owner thereof.

A list of such vehicles shall be kept at the police headquarters by which the owner of such vehicle so towed may learn the location of his vehicle. Failure to include any vehicle upon the list, shall not, however, create any liability upon the Town on account of towing. The Town shall not be liable for damage or loss to the contents thereof.

The agents appointed by the Chief of Police shall submit evidence of a bond in a sum satisfactory to the Town Treasurer, to hold the Town harmless from any and all claims for damage to personal property arising out of towing.

The charges for such towing of vehicles shall be the reasonable charge of the private party who performs the service of towing the vehicle in question.

The charges shall be collected by the towing agent as its fee for towing services, and shall be in lieu of any other fee or payment by the Town for such service. The payment of such towing and storage charges shall not release the operator or owner or the vehicle from any penalty imposed for violation of a traffic regulation.

SECTION 4. Towing of Improperly Equipped Vehicle.

Anyone whose car if found without chains, snow tires, or other heavy weather driving appliance, and is unable to move of itself on the town roads, may be towed by the Police Department in accordance with the provisions of Section 3 of this ordinance, and in addition shall pay a fine of Ten Dollars (\$10.00).

SECTION 5. Effective DATE.

This ordinance shall take effect upon passage and shall be deemed to repeal any inconsistent prior ordinance.

ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council November 12, 1976; CODIFIED: December 12, 1991,

EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-07-06

AN ORDINANCE REGULATING THE LIMITS OF SPEED ON CERTAIN TOWN HIGHWAYS, ROADS, LANES, DRIVES, TERRACES AND STREETS WITHIN THE TOWN OF GLOCESTER

SECTION 1. Reasonable and Prudent Speeds.

No person shall drive a vehicle on the herein designated highways, roads, lanes, drives, terraces, and streets at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In any event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance, on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

SECTION 2. Limits of Speed.

Where no special hazard exists that required lower speed for compliance with Section 1. hereof, the speed of any vehicle not in excess of the limits specified in this Section (on highways, roads, lanes, drives, terraces and streets designated below) shall be lawful, but any speed in excess of the limits specified in this Section shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful on the highways, roads, lanes, drives, terraces and streets designated below:

| <u>LOCATION</u> | <u>M.P.H.</u> |
|----------------------|---------------|
| Absalona Hill Road | 25 |
| Aldrich Road | 25 |
| Briarwood Road | 20 |
| Blackinton Road | 20 |
| Brook Hill Road | 20 |
| Bungy Road | 25 |
| Chestnut Hill Road | 25 |
| Chestnut Oak Road | 25 |
| Colwell Road | 25 |
| Cooper Road | 25 |
| Cranberry Ridge Road | 25 |
| Curry Road | 15 |
| Dexter Saunders Road | 25 |
| Dickson Lane | 15 |
| Douglas Hook Road | 25 |
| Dorr Drive | 15 |
| Durfee Hill Road | 25 |

| | |
|--------------------------|----|
| Echo Road | 20 |
| Eddy Road | 15 |
| Edgewood Drive | 15 |
| Eleanor Street | 15 |
| Elbow Rock Road | 15 |
| Elmdale Road | 25 |
| Elmwood Terrace | 15 |
| Ernest Street | 15 |
| Evans Road | 25 |
| Farnum Road | 25 |
| First Street | 15 |
| Francis Road | 20 |
| Gazza Road | 20 |
| George Allen Road | 25 |
| Glen Drive | 15 |
| Grist Mill Road | 15 |
| Hazelwood Drive | 20 |
| Highland Road | 15 |
| Huntinghouse Road | 25 |
| Jackson Schoolhouse Road | 25 |
| Joe Sweet Road | 20 |
| Joe Sarle Road | 25 |
| Jeffrey Road | 20 |
| Killingly Road | 20 |
| Keach Dam Road | 25 |
| Lake Drive | 20 |
| Lake Shore Drive | 20 |
| Lee Street | 15 |
| Long Entry Road | 25 |
| Loop Road | 20 |
| Maplewoods Drive | 20 |
| Middle Road | 15 |
| Olney Keach Terrace | 20 |
| Oakview Terrace | 20 |
| Oil Mill Lane | 15 |
| Paris Irons Road | 25 |
| Pine Road | 15 |
| Pinecrest Drive | 20 |
| Pine Orchard Road | 25 |
| Potter's Lane | 15 |
| Pound Road | 25 |
| Pray Hill Road | 25 |

| | |
|----------------------|----|
| Putnam Heights Road | 25 |
| Pulaski Road | 25 |
| Quarry Road | 25 |
| Ramble Road | 20 |
| Rosewood Drive | 20 |
| Rube Keach Road | 20 |
| Robin Vale Drive | 20 |
| Sand Dam Road | 15 |
| Sandy Brook Road | 25 |
| Salisbury Road | 15 |
| Second Street | 15 |
| Shore Drive | 15 |
| Snake Hill Road | 25 |
| Spring Grove Road | 25 |
| Sprague Hill Road | 15 |
| Spruce Ridge Drive | 25 |
| Steere Road | 15 |
| Sterling Drive | 20 |
| Stone Dam Road | 20 |
| Sidney Winsor Road | 25 |
| Tanyard Lane | 15 |
| Tarklin Road | 15 |
| Tourtillot Hill Road | 25 |
| Valley Road | 15 |
| Widow Smith Road | 15 |
| Willie Woodhead Road | 15 |
| Will Sherman Road | 15 |
| Wilmarth Road | 15 |
| Whipple Road | 20 |

SECTION 3. Penalties for Violation.

Every person convicted of a violation of this Ordinance, either Section 1 or Section 2 hereof, may be punished by fine not exceeding in amount Five Hundred (\$500.00) Dollars or imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

SECTION 4. Severability of Provisions.

If any part or parts of this Ordinance shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this Title. The Town Council hereby declares that it would have passed the remaining parts of said ordinance if it had known that such part or parts thereof would be declared unconstitutional.

SECTION 5. Effective Date.

This Ordinance shall take effect upon passage by the Town Council of the Town of Glocester and upon the posting of speed limitation signs. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council January 10, 1975; AMENDED February 11, 1988. CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992.

**SECTION 8
TAXATION**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-08-01

AN ORDINANCE ADJUSTING THE TAX EXEMPTIONS GRANTED TO VETERANS

SECTION 1.

In order to reflect the same monetary savings to veterans, as defined in Section 44-3-4 of the General Laws, that resulted from the tax exemptions available to veterans with respect to the real property taxes assessed by the Town as of December 31, 1981, the Town Council does hereby grant a real property tax credit in the amount of \$84.80 to veterans. Such tax credit shall be in lieu of the tax exemptions set forth in Section 44-3-4. This tax credit shall only apply to real property taxes assessed as of December 31, 1982, and shall be in addition to any and all other exemptions and tax credits to which said person may be entitled by law.

SECTION 2.

This Ordinance shall take effect upon passage by the Town Council. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council September 27, 1983. CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-08-02

TAX CANCELLATION ORDINANCE

It is hereby enacted by the Town of Gloucester as follows:

WHEREAS, pursuant to R.I. Gen. Laws 44-7-14(4), Town Councils are empowered to cancel, in whole or in part, taxes assessed upon personal, mixed, or real property pursuant to an ordinance intended to encourage the renovation, rehabilitation or construction of tax delinquent properties; and

WHEREAS, pursuant to R.I. Gen. Laws 44-9-18, towns are empowered to make regulations for the possession, management, and sale of land purchased or taken for taxes, not inconsistent with law or with the right of redemption; and

WHEREAS, the Town of Gloucester wishes to regulate such land and to enact a Town Ordinance intended to encourage the renovation, rehabilitation, and/or construction of properties which have become tax delinquent and which the Town has purchased or taken for nonpayment of taxes.

NOW, THEREFORE, be it enacted as follows:

1. The Town Council may cancel, in whole or in part, any taxes, interest, and penalties assessed upon personal, mixed, or real property when it finds that said cancellation may tend to encourage the renovation, rehabilitation or construction of tax delinquent properties.
2. In addition, or in the alternative, the Town Council may cause to be paid to the Town a sum not less or more than the amount necessary for the redemption of any land or property purchased or taken by the Town for nonpayment of taxes, may direct the Treasurer of the Town to assign and transfer the tax title to such land to any person, including the previous owner of said property, and ;may request the Treasurer to execute and deliver on behalf of the Town any instrument necessary therefore.
3. In so doing, the Council shall first make a finding that any such payment by the Town or an assignment of land to the previous owner or other party may tend to encourage the renovation, rehabilitation, or construction of tax-delinquent property within the Town.
4. In particular, the Town Council is empowered to act under this Ordinance whenever, in its judgment, the cancellation of payment of taxes, the payment of other amounts necessary to redeem any land purchased or taken by the Town for nonpayment of taxes, and/or the assignment of a tax title to a property may tend to cause the original owner or other party (rather than the Town) to bear any portion of the costs of any renovation, rehabilitation, cleanup, repair, or construction on or with respect to tax-delinquent properties.
5. This Ordinance shall become Effective upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council on August 11, 1988; CODIFIED: December 12,1991, EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-08-03

**ON ORDINANCE RELATIVE TO PERSONAL PROPERTY TAX EXEMPTION-
WHEELCHAIR LIFT EQUIPPED MOTOR VEHICLES**

This Ordinance is enacted pursuant to General Law of Rhode Island 44-35-10.

1. Fifty percent of the value of any motor vehicle that has been specifically adapted with a wheelchair lift for use by an individual with a disability shall be exempt from taxation.
2. This Ordinance shall apply to not more than one motor vehicle owned and registered for the personal, non-commercial use of any person who has sustained a loss, or permanent loss of use of both legs or both arms.
3. In the event the person suffering said loss is unable to register said motor vehicle, then the exemption shall apply where the motor vehicle is registered to an immediate family member.

This Ordinance shall take effect upon its passage and publication as required by law. ADOPTED: Sept.16, 1993, EFFECTIVE: Oct. 18, 1993.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council September 16, 1993, EFFECTIVE: October 18, 1993

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-08-04

**AN ORDINANCE PROVIDING FOR THE ADJUSTMENT OF TAX EXEMPTIONS FOR
ELDERLY OR DISABLED PERSONS**

WHEREAS, the General Assembly has passed an Act in the 2002 Session entitled AN ACT ENABLING THE TOWN COUNCIL, OF THE TOWN OF GLOCESTER TO ADJUST THE TAX EXEMPTIONS GRANTED TO THE ELDERLY AND DISABLED: and

WHEREAS, the Town Council pursuant to said Act and pursuant to said Act desires to implement said Act;

NOW, THEREFORE, it is hereby enacted as follows:

SECTION 1.

The Town Council does hereby exempt from taxation the real property situated in said Town which is owned and occupied by owners over 65 years of age or under 65 years of age who are permanently disabled in an amount not to exceed thirty thousand dollars (\$30,000.00) of valuation. The Town Council also exempts from taxation the real property situated in said Town which is owned and occupied by owners with a combined adjusted gross taxable annual household income not to exceed twenty thousand dollars (\$20,000.00), exclusive of social security benefits, as set forth in the following schedule:

- (a) Owners who are 65 but less than 70 years of age - An exemption, ranging in age, not to exceed fifty-eight thousand dollars (\$58,000) valuation;
- (b) Owners who are 70 but less than 75 years of age - An exemption, ranging in age, not to exceed seventy-three thousand dollars (\$73,000) of valuation;
- (c) Owners who are 75 but less than 80 years of age - An exemption, ranging in age, not to exceed ninety-three thousand dollars (\$93,000) of valuation.
- (d) Owners who are 80 years of age or older - An exemption, ranging in age, not to exceed ninety-eight thousand dollars (\$98,000) of valuation, plus amounts per years thereafter as specified in the schedule approved by the Town Council and maintained by the Tax Assessor.

A schedule specifying said exemptions as may be approved annually by the Council shall be maintained by the Tax Assessor. The exemptions provided for herein may be decreased or increased at the discretion of the Town Council.

Said exemption shall be pro-rated among the owners of said real property and shall be in addition to any and all other exemptions from taxation to which said owner may be otherwise entitled. Said exemption shall be applied uniformly, and shall be granted upon proof of the following: (1) age; (2) ownership and occupancy of said resident's property for a continuous period of five (5) years next prior to the filing of an application for the exemption; (3) legal domicile in said town; (4) disability which shall mean a permanent physical or mental illness rendering the person afflicted incapable of gainful employment and so certified by a licensed physician; (5) annual validation of the household income eligibility level for owners referenced in Sections (a) through (d), above, with such proof thereof as is required by the Tax Assessor to be submitted by March 15th.

- (e) the taxable annual income eligibility level specified above shall be adjusted annually, beginning with taxes assessed as of December 31, 2002, in accordance with the average percentage change calculated during the 12 months next preceding December in the U.S. Bureau of Labor Statistics Northeast Consumer Price Index for all Urban Consumers (CPI-UC).

- (f) the amounts of evaluation set forth above are adjusted in accordance with the Ordinance entitled "1992 Adjustment of Exemption upon Re-Evaluation of Real Property."

SECTION 2. Filing of Application - Proof of Right to Exemption

No person shall be entitled to any exemption herein authorized in any year without first filing an application with the Tax Assessor on forms furnished by the Assessor. Each application shall be sworn to by the applicant or applicants under penalty of perjury. Proof of age, ownership, occupancy, legal domicile, or disability shall be furnished in the following manner:

- (a) Proof of Age: Age may be proved by furnishing to the Assessor either a birth certificate, certificate of citizenship, baptismal certificate, sworn affidavit of a third party or by such other means as may be approved by the Assessor.
- (b) Ownership: Ownership may be established by furnishing the Tax Assessor with the date of purchase and land record citation of same by the applicant of the residential property involved.
- (c) Occupancy: Occupancy of the residential property may be proven by incorporating such fact in the sworn application for exemption.
- (d) Legal domicile: Legal domicile may be established by the production of (1) voter's registration certificate, or by (2) the production of a license to operate a motor vehicle, or a registration certificate or by such other means as the Assessor may reasonably require.
- (e) Disability: Disability may be established by providing the Tax Assessor with a signed and notarized statement by a licensed physician declaring the applicant disabled as defined herein.
- (f) Other Forms of Proof: An applicant may provide proof of right of exemption if the above specified methods are not available to him or her by furnishing military records, passports, certificates of citizenship, or by such other evidence of proof as may be required by the Assessor.
- (g) Proof of income eligibility shall include federal and state income tax returns and/or such other documentation as may be required by the Assessor.
- (h) Household income shall include the annual gross taxable income of any person who occupies and maintains said residence as his/her legal domicile.

In the event that the applicants for exemption are co-tenants, joint tenants or tenants by the entirety, the proof enumerated above by any one of the applicants shall be sufficient to be entitled to the exemption.

SECTION 3. Termination of Exemptions

All exemptions shall terminate upon the conveyance of the subject property, death of the person or persons exempted or the moving of such person or persons from the Town of Gloucester, or in

the case of a disability exemption when the physical or mental illness is terminated, or when said exempted person(s) otherwise fail to qualify.

SECTION 4. Act Effective When

The Amendments to this Ordinance shall take effect upon its passage and publication as required by law and shall be deemed to to repeal any inconsistent prior ordinance.

Jean M. Fecteau, Town Clerk

History of Ordinance: This Ordinance shall take effect upon passage by the Town Council and shall be applicable to taxes assessed as of the 31st day of December, 2001 and to each December 31st thereafter. That Ordinance adopted by the Town Council on September 27, 1983, entitled "An Ordinance Providing for a Tax Exemption for Elderly or Disabled Persons", is hereby repealed in its entirety. Adopted by the Town Council on June 14, 1990 Codified: Dec. 12, 1991, Effective: Jan. 06, 1992. Amended December 18, 1997, Effective: December 31, 1997. Amended by the Town Council on May 16, 2002, Effective: June 13, 2002.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-08-05

**ADJUSTMENT OF EXEMPTION UPON REEVALUATION
OF REAL PROPERTY**

Section 1. Tax Exemption May Be Adjusted at Time of Reevaluation or Statistical Update.
The Town council, acting through the Tax Assessor, is hereby authorized to adjust the tax exemption for all persons entitled thereto in any year that the Town has a real property reevaluation or statistical update.

Section 2. Amount of Adjustment.
Any adjustment of the tax exemption for persons entitled thereto shall be made to reflect at least the same monetary savings that appeared on the property tax bill that existed for the year prior to reevaluation or statistical update of such real property. Any adjustment of the tax exemption for

persons entitled thereto hereunder shall be in increments of One Thousand Dollars (\$1,000) and shall be rounded up to the nearest thousand dollars.

- Section 3. Certification of Adjustment.
After any adjustment of exemption upon reevaluation or statistical update pursuant to the authorization conferred by Sections 1 and 2 of this Ordinance, the Town Council shall have a certificate setting forth the amount of such adjustments prepared by the Tax Assessor and presented to it.
- Section 4. Enforcement.
The provisions of this Ordinance shall be enforced by the Town Council through the Tax Assessor.
- Section 5. Effective Date.
This Ordinance shall take effect immediately prior to the issuance of tax bills by the Tax Assessor in 1992.

Adopted: July 16, 1992, Effective: Aug. 17, 1992.

Jean M. Fecteau, Town Clerk

History of Ordinance: Adopted by the Town Council on July 16, 1992, Effective: August 17, 1992.
Amended by the Town Council on May 16, 2002, Effective: June 13, 2002.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-08-06

**AN ORDINANCE CONCERNING THE
EXEMPTION FROM TAXATION FOR
RETAIL INVENTORY**

SECTION 1. Authority

Pursuant to authority granted to the Town of Glocester by Rhode Island General Laws 44-3-40, the Town hereby exempts the stock-in-trade or inventory of retailers located within the Town, subject to the following terms and conditions:

SECTION 2. Definitions

- (a) The term "inventory" or "stock-in-trade" means and includes the merchandise kept on hand for sale in the normal and regular course of retail business.
- (b) The term "retailer" means and includes a person, partnership, corporation, or other business entity engaged in the business of selling goods at retail.

SECTION 3. Application

An applicant seeking a tax exemption on inventory shall file an application with the Tax Assessor of the Town of Gloucester. The application shall be on a form furnished by the Tax Assessor.

The form shall contain as a minimum the following information:

- (a) The name and address of the applicant;
- (b) The location where the inventory is located within the Town of Gloucester, including the lot and plat;
- (c) The value of the inventory as of December 31 in the year immediately preceding the year in which the exemption is requested;
- (d) The nature of the inventory for which the exemption is being requested; and
- (e) The application shall be signed by the applicant.

SECTION 4. Grant of Exemption

Upon receipt of a signed application, in accordance with Section 3, accompanied by a copy of a paid tax bill, or a certification from the Tax Collector that all taxes due on the tangible personal property and on the real estate where the inventory is located are current, the Tax Assessor shall notify the applicant that the exemption has been granted.

SECTION 5. Duration of Grant of Exemption from Taxation

Initial grants of exemption from taxation shall be for a period of ten (10) years. An applicant may apply for subsequent grants of exemption from taxation in accordance with the procedure set forth in the initial application.

SECTION 6. Annual Report

Taxpayers receiving an exemption shall annually, prior to the fifteenth of March, file a report with the Tax Assessor listing the value of all inventory and tangible personal property located within the Town of Gloucester as of the previous December 31st. Contemporaneously with filing the annual report, the taxpayer shall file either a copy of a paid tax bill for the tangible personal property and real estate where the inventory is located or a certificate from the Tax Collector that all taxes are current. Failure to file a timely report, or proof that tangible and real estate taxes are current, may result in revocation of the exemption.

SECTION 7. Exception

Delinquency in the payment of taxes on the real estate where the inventory is located shall not necessarily deprive a retailer, who is not responsible for the payment of real estate tax, of the exemption provided herein.

SECTION 8. Revocation of Exemption

Upon notification to the Town Council by the Tax Assessor that a taxpayer previously granted an exemption has failed to comply with the terms of the Ordinance, the Town Council may, upon notice to the taxpayer, hold a show cause hearing and terminate the exemption.

SECTION 9. Annual Report by Tax Assessor

The Tax Assessor shall annually, in the month of August, report to the Town Council the amount of property exempted pursuant to the terms of the Ordinance.

SECTION 10. Effective Date

This amendment shall take effect upon its passage and publication as required by law. **ADOPTED:** Aug. 21, 1997, **EFFECTIVE:** Sept. 18, 1997.

Barbara E. Robertson, CMC Town Clerk

History of Ordinance: **ADOPTED** by the Town Council on August 21, 1997, **EFFECTIVE:** September 18, 1997.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-08-07

**AN ORDINANCE CONCERNING THE EXEMPTION
FROM TAXATION FOR WHOLESALE INVENTORY**

SECTION 1.

The Council of the Town of Glocester, County of Providence, State of Rhode Island hereby exempts from taxation and/or freezes the valuation of stock in trade or inventory of wholesalers for a period of twenty-five (25) years pursuant to the limitations and restrictions of Section 44-3-29 of the Rhode Island General laws.

SECTION 2. Act Effective When.

This ordinance shall take effect upon passage by the Town Council and publication as required by law. ADOPTED: Aug. 18, 1994, EFFECTIVE: Sept. 05, 1994.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council on August 18, 1994, EFFECTIVE: Sept. 05, 1994.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND, HEREBY ORDAINS:

2-08-08

**AN ORDINANCE CONCERNING
WHOLESALE AND RETAIL INVENTORY TAX PHASE OUT**

SECTION 1. The Tax Assessor is hereby authorized to phase out, over a ten (10) year period, the stock in trade or inventory tax of wholesalers and retailers. The rate schedule to be implemented by the Tax Assessor is set forth in subsection (d) of this section.

SECTION 2. The terms “inventory”, as it refers to wholesalers, “stock in trade”, as it refers to wholesalers, and “wholesaler” shall have the same meaning as defined in Section 44-3-29 of the General Laws.

SECTION 3. The terms “inventory”, as it refers to retailers, “stock in trade”, as it refers to retailers, and “retailer” shall have the same meaning as defined in Section 44-3-40 of the General Laws.

SECTION 4. The rate schedule for the ten (10) year phase out of the wholesale and retail inventory tax shall be as follows:

| <i>Year</i> | <i>Maximum Tax Rate</i> |
|-------------|---------------------------------------|
| FY 1999 | (Present tax rate) |
| FY 2000 | Ninety percent (90%) of FY 1999 rate |
| FY 2001 | Eighty percent (80%) of FY 1999 rate |
| FY 2002 | Seventy percent (70%) of FY 1999 rate |
| FY 2003 | Sixty percent (60%) of FY 1999 rate |
| FY 2004 | Fifty percent (50%) of FY 1999 rate |
| FY 2005 | Forty percent (40%) of FY 1999 rate |

| | |
|---------|--------------------------------------|
| FY 2006 | Thirty percent (30%) of FY 1999 rate |
| FY 2007 | Twenty percent (20%) of FY 1999 rate |
| FY 2008 | Ten percent (10%) of FY 1999 rate |
| FY 2009 | No tax |

SECTION 5. In the event that a wholesaler sold inventory or stock in trade both at wholesale and retail in the preceding calendar year, the Tax Assessor shall assess on the same basis as a retailer's inventory or stock in trade as of December 31 of that year, to the extent permitted by applicable law, notwithstanding any freeze of assessed valuation or exemption permitted pursuant to Section 44-5-12(c) of the General Laws, that proportion of inventory or stock in trade of the wholesaler which shall be equal to the percentage of the wholesaler's total sales during the preceding calendar year that were at retail. For the purposes of this paragraph, sales at retail shall not include sales to employees of the wholesaler or to employees of its affiliates. If retail sales are less than one percent (1%) of total sales during the year, it shall be deemed that no sales were made at retail during the year. All sales of a wholesaler to a customer which is an affiliated entity shall be deemed to be retail sales for the purposes of this subsection if more than half the dollar volume of the sales of the affiliated entity is made within the Town of Gloucester.

- (a) For purposes of this section, a wholesaler shall be considered affiliated with customers if it controls, or is under common control with the customers.
- (b) In the event that a wholesaler or retailer subject to the inventory tax commences operations within the Town of Gloucester after fiscal year 1999, the Tax Assessor shall determine what would have been the value of the inventory as of December 1998, adjusting the inventory value to fiscal year 1999 using the changes in the consumer price index - all urban consumers (CPI-U) published by the bureau of labor statistics of the United States Department of Labor.
- (c) This section shall also apply to automobile dealers as defined in Section 31-5-5 of the General Laws.

SECTION 6. Effective Date

This Ordinance shall take effect upon passage by the Town Council of the Town of Gloucester. ADOPTED: JUNE 10, 1999. EFFECTIVE: JUNE 10, 1999.

Barbara E. Robertson, CMC, Town Clerk

History of Ordinance: ADOPTED by the Town Council on June 10, 1999, Effective June 10, 1999.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-08-09

AN ORDINANCE AUTHORIZING THE WAIVER OF INTEREST ON OVERDUE QUARTERLY TAX PAYMENTS

WHEREAS, Section 44-5-8.1, Gen. Laws of Rhode Island, authorizes Towns to adopt an ordinance waiving the interest on overdue quarterly tax payments:

WHEREAS, the Town Council desires to adopt such an ordinance:

NOW, THEREFORE, it is hereby enacted as follows:

SECTION 1.

The tax collector is hereby authorized to waive the interest on one quarter's overdue property tax payment and to allow the remaining balance to be paid on a quarterly basis provided the taxpayer can demonstrate with such evidence as may be required by the Town that the failure to make such payment in a timely fashion was prevented by circumstances, other than financial incapacity, beyond the control of the taxpayer such as illness or death and if all of the following conditions are satisfied by the tax payer:

- (1) The property subject to the overdue payment is the residence of the taxpayer and has been for the five (5) years immediately preceding the tax payment which is overdue.
- (2) The request for a waiver of interest is in writing, signed and dated by the taxpayer.
- (3) The taxpayer has made timely tax payments to the Town for five (5) years immediately preceding the tax payment which is overdue. The burden of proof of timely payments shall be on the taxpayer.
- (4) The bill for which the payment was overdue was issued less than two (2) years prior to the date of the request for a waiver of interest.
- (5) In no event shall the waiver of interest on a tax bill exceed five hundred dollars (\$500). Decisions of the tax collector shall be in writing and contain a notice to the city or town council. If the tax payer receives an adverse ruling from the tax collector, the tax payer must pay the interest and may file a claim for reimbursement with the city or town council within ten (10) days of the decision.
- (6) Acceptable evidence shall include, but is not limited for the following: (death of a family member) obituary, doctor's note or proof of hospitalization.

SECTION 2. Act Effective When

This ordinance shall take effect upon passage by the Town Council and shall be applicable to taxes assessed as of the 31st day of December, 2001 and to each December 31st thereafter.

Jean M. Fecteau, Town Clerk

History of Ordinance: ADOPTED by the Town Council June 20, 2002, Effective July 16, 2002.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-08-10

AN ORDINANCE ESTABLISHING A CLASSIFICATION PLAN FOR TAXABLE PROPERTY

WHEREAS, Section 44-5-11.8, Gen. Laws of Rhode Island, authorizes Towns to adopt a tax classification plan by ordinance: and

WHEREAS, the Town Council desires to adopt a tax classification plan in accordance with section 44-5-11.8;

NOW, THEREFORE, it is hereby enacted as follows:

SECTION 1.

All ratable property in the Town of Glocester shall be classified by the Assessor as follows:

- (1) Class 1: Residential real estate consisting of no more than five (5) dwelling units, land classified as open space, and dwellings on leased land including mobile homes.
- (2) Class 2: Commercial and industrial real estate, residential properties containing partial commercial or business uses and residential real estate of more than five (5) dwelling units.
- (3) Class 3: All ratable tangible personal property.
- (4) Class 4: Motor vehicles and trailers subject to excise tax created by chapter 34 of Title 44.

The tax rates applicable to wholesale and retail inventory within class 3 shall be governed by section 44-3-29.1 of the Rhode Island General Laws. The tax rates applicable to motor vehicles within class 4 shall be governed by section 44-34.1-1 of the Rhode Island General laws.

The assessor shall on or about June 1 of each year make a full and fair cash valuation of all ratable property and determine the assessed valuation of each property class. The assessor shall apply a rate of taxation against Class 3 property, as approved by the Town Council, which differs from the rate of taxation applied against property in Classes 1 and 2.

The tax rate applied against Class 3 property assessed as of December 31, 2001 shall be \$27.00 per thousand and said rate shall thereafter be set annually in accordance with sec. 44-511.8 and this ordinance.

SECTION 2. Act Effective When

This ordinance shall take effect upon passage by the Town Council and shall be applicable to taxes assessed as of the 31ST day of December, 2001 and to each December 31ST thereafter.

Jean M. Fecteau, Town Clerk

History of Ordinance: ADOPTED by the Town Council June 20, 2002, Effective July 16, 2002.

**SECTION 12
LICENSING/REGULATIONS**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-01

LICENSING

SECTION 1.

The Town Council shall conduct a Public Hearing to consider each application for any license(s) (or renewals of any existing license) that: (i) require legal advertising and/or (ii) require the issuance of a variance or a special exception by the Zoning Board of Review.

SECTION 2.

The Town Clerk shall consider each application for any license(s) (or renewals of any existing license) which do not require Town Council consideration pursuant to Section 1, above. Notwithstanding any other additional grounds for denial of any application for any license(s) (or renewals of any existing license), the Town Clerk shall, in any event, deny any such application in which any one (1) or more of the following apply:

- (a) applicable law, rule or ordinance requires that such application be advertised; or
- b) such application and/or prepared license(s) (or prepared renewals of any existing license) are prohibited by applicable Rhode Island or Town of Glocester law, rule or ordinance; or
- (c) all necessary documentation relating to such application has not been fully and correctly filed in a timely fashion by the applicant; or
- (d) the applicant has failed to fully pay any and all fees and taxes due from such applicant to the Town of Glocester (or no satisfactory schedule of payment of any outstanding fees and/or taxes due from such applicant has been approved by the Tax Collector).

Any Applicant may appeal to the Town Council within thirty (30) days of the date of any denial by the Town Clerk of any such application. In order to be considered by the Town Council, any such appeal must be properly delivered in writing by the applicant no later than the close of business on the Monday immediately preceding the next Town Council Agenda meeting. Upon the proper filing of any such appeal, the Town Clerk shall submit to the Town Council a written report stating the reasons for the denial of the license.

SECTION 3.

This Ordinance shall take effect upon its passage and publication as required by law. ADOPTED: Jan. 20, 1994, EFFECTIVE: Feb. 17, 1994.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED: January 20, 1994, EFFECTIVE: February 17, 1994.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-02

AN ORDINANCE REQUIRING TAXES MUST BE PAID BEFORE ISSUING OR TRANSFERRING OF A BUSINESS LICENSE(S)

SECTION 1.

Commencing on the next renewable license date, all licensed businesses in the Town of Glocester requiring a town business license to operate, shall at the time of the renewal or transfer of such license, show proof that all business related taxes due to the Town of Glocester have been paid to the satisfaction of the Town Council before obtaining a business license.

SECTION 2.

These taxes shall include but not be limited to all tangible personal taxes; and real estate taxes, where applicable; and all other local taxes relating to that particular business.

SECTION 3.

Penalty. Any person or business violating any of the provisions hereof, shall be subject to a fine not exceeding one hundred dollars for each offense and/or the immediate revocation of any existing business licenses and denial of any application for such business license.

SECTION 4.

This Ordinance shall take effect upon its passage and publication as required by law.

ADOPTED: April 20, 1995, EFFECTIVE: May 15, 1995.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council on April 20, 1995 and EFFECTIVE May 15, 1995.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-03

CAMPING AND TRAVELING TRAILER PARK ORDINANCE

SECTION 1. DEFINITIONS: as used in this ordinance:

- (A) Town Council means the legally designated Town Council of the Town of Glocester.
- (B) Permit means a written permit issued by the Town Council permitting the construction, alteration, or extension of a camping and travel trailer parking area under the provisions of this Ordinance and regulations issued hereunder.
- (C) License means a written license issued by the Town Council allowing a person to operate and maintain a camping and travel trailer parking area under the provisions of this Ordinance and regulations issued hereunder.
- (D) Person means any individual, firm, trust, partnership, public or private association, or corporation.
- (E) Sanitary Station means a facility used for removing and disposing of wastes from trailer holding tanks.
- (F) Service Building means a structure housing toilet, lavatory and such other facilities as may be required by this Ordinance.
- (G) Sewer Connection means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the trailer to the inlet of the corresponding sewer riser pipe of the sewerage system serving the camping and trailer parking area.
- (H) Sewer Riser Pipe means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each camping and travel space.
- (I) Trailer means any of the following:

- 1) Travel Trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified Travel Trailer by the Manufacturer of the trailer, and when factory equipped for the road, it shall have a body width not exceeding eight feet, and a body length not exceeding 34 feet.
 - 2) Pick-up Coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
 - 3) Motor Home means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 - 4) Camping Trailer means a canvas, folding structure, mounted on wheels and designated for travel, recreation and vacation use.
- (J) Dependant Trailer means a trailer which is dependant upon a service building for toilet and lavatory facilities.
- (K) Self-Contained Trailer means a trailer which can operate independent of connections to sewer, water and electrical systems. It contains a water flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewerage holding tanks located within the trailer.
- (L) Camping and Travel Trailer Park means a parcel of land in which two or more spaces are occupied or intended for occupancy by trailers or campers for transient dwelling purposes.
- (M) Camping and Travel Space means a parcel of land in a camping and trailer park for which a fee is paid by the occupant(s) of the space.
- (N) Trailer Stand means that part of an individual trailer or camp space which has been reserved for the placement of a single trailer or tent and its accessory structures.
- (O) Water Connection means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the trailer.
- (P) Water Riser Pipe means that portion of the water supply system serving the camping trailer park which extends vertically to the ground elevation and terminates at a designated point at each trailer and camping space.
- (Q) Water Station means a facility for supplying water storage tanks of trailers and campers with potable water.
- (R) Gross Site Area means the portion of land designated as the camping and travel trailer park.
- (S) Tent means any portable structure other than the above defined trailers, which must be pitched and prepared before use as a shelter.

SECTION 2. PERMITS.

2.1 It shall be unlawful for any person to construct, alter or extend any camping and travel trailer park within the limits of the Town of Gloucester, (or to expand the number of the camping and trailer spaces within such a park,) unless he holds a valid permit issued by the Town Council in the name of such person for the specific construction, alteration, extension, expansion, or enlargement proposed in conformity with the zoning ordinance and other applicable laws.

2.2 All applications for permit shall be made to the Town Council and shall contain the following:

- (A) Name and address of applicant.
- (B) Ownership interest of the applicant in the camping and travel trailer park.
- (C) Location and legal description of the camping and travel trailer park.
- (D) A U.S. Soil Conservation Service standard soil survey to determine suitability for a campground.

- (E) A two-phase review of the plan shall be as follows:
- (1) Preliminary approval or disapproval will follow a general presentation of the proposal to the Town Council. The presentation will include the statement that buildings, water, electrical and disposal systems will be subject to State codes, the approval of Department of Environmental Management and the Department of Health.
 - (2) After obtaining preliminary approval, complete engineering plans based on any local or state specifications applicable to the proposed camping and travel trailer park will be presented. The complete plans will include the following:
 - (a) The area and dimensions of the tract of land, and names of abutting property owners.
 - (b) The number, location, and size of all camping and trailer spaces.
 - (c) The location and width of roadways and walkways.
 - (d) The location of service buildings, sanitary stations and any other proposed structures.
 - (e) The location of water and sewer lines and riser pipes.
 - (f) Plans and specifications of the water supply and refuse and sewerage disposal facilities.
 - (g) Plans and specifications of all buildings constructed or to be constructed within the camping and travel trailer park.
 - (i) Planned uses for recreational facilities.

2.3 All applications shall be accompanied by the deposit of a fee of Twenty-five Dollars (\$25.00) plus the cost of advertising any hearing on the application. The fee will be applied to the license fee with the license. However, in the event an application is not approved or withdrawn, such fee will not be refunded.

2.4 When upon review of a complete application, the Town Council is satisfied that the proposed plan meets the requirements of this ordinance and regulations issued hereunder, a permit shall be issued.

2.5 Upon receipt for a proper application, the Town Council shall schedule a public hearing on the same and shall cause notice of such hearing to be advertised in a newspaper published of general circulation in the Town of Gloucester once a week for three successive weeks immediately prior to the hearing and shall cause notices to be sent by certified mail, with return receipts requested, to each of the property owners shown on the plans required at least two weeks prior to the date of such hearing.

SECTION 3. LICENSES AND SPECIAL LICENSES.

3.1 It shall be unlawful for any person to operate any camping and travel trailer park within the limits of the Town of Gloucester unless he holds a valid license issued annually by the Town Council in the name of such person for the specific camping and travel trailer park. All applications for licenses shall be made to the Town Council, who shall issue a license upon compliance by the applicant with provisions of this Ordinance and regulations issued hereunder and of other applicable legal requirements. All licenses shall run from April 15th to October 31st except that winter camping may be allowed in accordance with the requirements of Section 22.

(amended 1/16/92)

3.2 Every person holding a license shall give notice in writing to the Town Council within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any camping and travel trailer park. Such notice shall include name and address of the person succeeding to the ownership or control of such camping and travel trailer park. Upon application in writing for transfer of the license and deposit of a fee of Ten Dollars (\$10.00) the license shall be transferred if the camping and travel trailer park is in compliance with all applicable provisions of this Ordinance and regulations issued hereunder.

3.3 Applications. Application for original licenses shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit fee of One Dollar (\$1.00) per site, less permit fee and will contain:

- (A) The name and address of the applicant.
- (B) The location and legal description of the camping and travel trailer park.
- (C) A comprehensive site plan of the camping and travel trailer park showing:
 - a. The area and dimensions of the tract of land, and the names of abutting property owners.
 - b. The number, location, and size of all camping and trailer spaces.
 - c. The location and width of roadways and walkways.
 - d. The location and service buildings, sanitary stations, and any other structures.
 - e. The location of water and sewer lines and riser pipes.
- (D) Written approval from the R.I. Health Department assuring adequate water, sewerage and sanitary facilities and written approval of the zoning and electrical inspector, evidencing uniformity to engineering plans and to other provisions of this Ordinance.

Renewal. Applications for annual renewals of licenses shall be made in writing by the holder of the licenses, shall be accompanied by the deposit of a fee of One Dollar (\$1.00) per site, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

3.4 Suspension. Whenever, upon inspection of any camping and travel trailer park, the Town Council finds that conditions or practices exist which are in violation of any provision of the Ordinance or regulations issued hereunder, the Town Council shall give notice in writing, which includes an explanation of the violation and possible corrective action, in accordance with Section 5.1 to the person to whom the license was issued. The notice will state that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Town Council the license will be suspended. At the end of such period, the Town Council shall reinspect such camping and travel trailer park and, if such have not been corrected, it shall suspend the license and give notice of such suspension to the person to whom the license is issued. Upon receipt of such notice of suspension, such person shall cease operation of such camping and travel trailer park except as provided in Section 5.2.

3.5 Any person whose license has been suspended, or who has received notice from the Town Council that his license will be suspended unless certain conditions or practices at the camping and travel trailer park are corrected, may request and shall be granted a hearing on the matter before the Town Council under the procedure provided by Section 5 of the Ordinance; provided that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten-day period, or upon expiration of the period specified in the notice described in 3.4 above (whichever is the last to occur) if appropriate corrective action has not been completed.

3.6 Any person desiring to furnish temporary facilities for accommodating a camper and travel trailer rally, or other group of campers and trailers assembled for the purpose of traveling together, shall make application for such activity to the Town Council. The requirements for service building and other sanitary and physical facilities as set forth in Section 11 herein may be waived by the health authority on the determination that public health will not be endangered; but the location of the site, the facilities which are provided, and the method of conducting such rally shall be acceptable to the Town Council before a special license shall be issued specifying the location of the site, the period of issuance.

3.7 Provisions may be made within the campground for safari type camping and affinity group tent camping, providing that the necessary space, sanitary, and health facilities are available.

SECTION 4. INSPECTION OF CAMPING AND TRAVEL TRAILER PARK.

4.1 The Town Council and its agents are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and regulations issued hereunder.

4.2 The Town Council and its agents shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance and regulations issued hereunder.

4.3 It shall be the duty of the owners of the camping and travel trailer parks to give the Town Council and its agents free access to such premises at reasonable times for the purpose of inspection.

4.4 It shall be the duty of every occupant of a camping and travel trailer park to give the owner thereof or his agent or employees access to any part of such camping and travel trailer park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and regulations issued hereunder, or with any lawful order issued pursuant to the provisions of this Ordinance.

SECTION 5. NOTICES, HEARINGS AND ORDERS.

5.1 The Town Council may initiate a hearing to determine whether there has been a violation of any provisions of this Ordinance or a material change in the conditions or circumstances presumed to exist at the time an application for a permit or license was originally considered, by giving notice of such alleged violation and hearing date to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

- (A) Be in writing.
- (B) Include a statement of the reasons for its issuance.
- (C) Allow a reasonable time for the performance of any act it requires.
- (D) Be served upon the owner or his agents as the case may require; provided: That such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address; or when he has been served with such notice by any other method authorized or required by the laws of this State.
- (E) Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Ordinance and regulations issued hereunder.

5.2 Any person affected by any notice which has been issued in accordance with Section 5.1 above or Section 5.5 below may request and shall be granted a hearing on the matter before the Town Council; Provided: that such person shall file in the office of the Town Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. The filing of the request for hearing shall operate as a stay of the notice and of the suspension except in the case of any order issued under Section 5.5. Upon receipt of such petition, the Town Council shall set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; Provided: That upon application of the petitioner, the Town Council may postpone the date of the hearing for a reasonable time beyond such ten-day period when in its judgement the petitioner has submitted good and sufficient reasons for such postponement.

5.3 After such hearing, the Town Council shall make findings as to compliance with the provisions of this Ordinance and regulations issued hereunder and shall issue an order in writing sustaining, modifying or withdrawing

the notice which shall be served as provided in Section 5.1(D). Upon failure to comply with any order sustaining or modifying a notice, the permit or license of the camping and travel trailer park affected by the order shall be revoked.

5.4 The proceedings at such a hearing, including the findings and decision of the Town Council, and together with a copy of every notice related thereto shall be entered as a matter of public record in the office of the Town Clerk. Any person aggrieved by the decision of the Town Council may seek relief therefrom in any court of competent jurisdiction, as provided by laws of this State.

5.5 Whenever the Town Council finds that an emergency exists which required immediate action to protect public health, it may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as it may deem necessary to meet the emergency including the suspension of the license or permit. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Town Council, shall be afforded a hearing within thirty (30) days. The provisions of Section 5.3 and 5.4 shall be applicable to such hearing and the order issued thereafter.

SECTION 6. ADOPTION OF REGULATIONS BY THE TOWN COUNCIL.

6.1 The Town Council is hereby authorized to make, and, after public hearing to adopt such written regulations as may be necessary for the proper enforcement of the provisions of this Ordinance. Such regulations shall have the same force and effect as the provisions of this Ordinance, and the penalty for the violation of the provisions thereof shall be the same as the penalty violation of the provisions of this Ordinance, as hereinafter provided.

SECTION 7. OPEN SPACE AND ACCESS REQUIREMENTS.

7.1 General Requirements. Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or health or safety to the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding subsidence (rock slide, land slide) or erosion shall be used for any purpose which would expose persons or property to hazard.

7.2 Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every parking area or camping site shall be paved, or covered with gravel surface, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectional dust.

7.3 Required Separation Between Trailers or Campsites. Campsites and trailers shall be separated from each other and from other structures by at least 40 feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the trailer. Provisions may be made whereby a maximum of ten percent (10%) of available sites be double campsites servicing no more than two vehicles.

7.4 Density Requirement.

- (A) The density shall not exceed 10 trailer spaces or camping spaces per acre of gross site area except that the Town Council may, under specific circumstances, permit a higher density provided all other environmental, open space, and access requirements of this Ordinance and regulations issue hereunder are adhered to. Any person desiring a higher density shall make application for such exemption to the Town Council specifying the reasons therefor. If a lighter density is permitted, the Town Council shall issue a special license specifying the location of the

camping and parking area, the expiration date of the license, and the conditions of issuance.

- (B) The density shall not exceed a maximum of 8 persons per trailer or camping space or one immediate family if larger.

7.5 Required Recreation Area. In all camping and travel trailer parks there shall be at least one recreation area which shall be easily accessible from all camping and trailer spaces. The aggregate size of such recreation areas shall be not less than eight percent of the gross site area or 2,500 square feet, whichever is greater.

7.6 Required Setbacks from Public Streets and Abutting Properties. All campers and trailers and other structures shall be located at least 200 feet from any park boundary line abutting upon a public street or highway and at least 200 feet from any boundary line. The set back line may be reduced from 200 feet to 50 feet upon agreement with the abutting property owner.

7.7 Park Street System.

- (A) General Requirements. All parking areas and camping spaces shall be provided with safe and convenient vehicular access from abutting public streets or roads to each camping and trailer space. Alignment and grading shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard and dense surface which shall be well drained.
- (B) Access. Access to camping and travel trailers shall be designed to minimize congestion and hazards at their entrance or exit and allow free movement of traffic and adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.
- (C) Internal streets. Roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements;
 - 1) One-way, no parking (Acceptable only if less than 500 feet total length and serving less than 25 camping or trailer spaces.)12 feet
 - 2) One-way, parking on one side only, or Two-way, no parking (Acceptable only if serving less than 50 camping or trailer spaces.)18 feet
 - 3) Two-way, no parking 24 feet
 - 4) Two-way, parking on one side only 30 feet
- (D) Off street parking and maneuvering space. Each camping and trailer park shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk or right of way or any private grounds not part of the camping and travel trailer park.

SECTION 8. WATER SUPPLY, GENERAL REQUIREMENTS.

An adequate, accessible, safe and potable supply of water shall be provided in each camping and travel trailer park. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the R.I. Department of Health.

SECTION 9. SEWERAGE REQUIREMENTS.

An adequate and safe sewerage system shall be provided in all camping and travel trailer parks for conveying and disposing of all sewerage. Such system shall be designed, constructed, and maintained in accordance with state and local laws and shall be approved by the R.I. Department of Health.

SECTION 10. ELECTRICAL DISTRIBUTION SYSTEM.

10.1 General Requirements. If an electrical wiring system is provided, it shall consist of approved fixtures, equipment and appurtenances, which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

10.2 Power Distribution Lines.

- (A) Main power lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of 3 feet between overhead wiring and any trailer, service building or other structure.
- (B) All direct burial conductors or cables shall be buried at least 18 inches below the ground surface and shall be insulated and specially approved for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines.

10.3 Individual Electrical Connections.

- (A) If individual camping and trailer spaces are connected to the electrical wiring system, an approved type of disconnecting device and overcurrent protective equipment shall be provided. The service per outlet shall be 120 volts AC, 15 amperes and/or 30 amperes.
- (B) Outlet receptacles at individual camping and trailer spaces shall be located not more than 25 feet from the overcurrent protective devices in the trailer and a three wire grounding type shall be used. Receptacles shall be of weather-proof construction and configurations shall be in accordance with American Standard Outlet Receptacle C-73.1.
- (C) The trailer shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

10.4 Required Grounding. All exposed noncurrent carrying metal parts of trailers and all other equipment shall be grounded by means of a grounding conductor run with branch circuit conductors or other method of approved grounds metallic wiring. The neutral conductor shall not be used as an equipment ground for trailers or other equipment.

SECTION 11. SERVICE BUILDINGS AND OTHER SERVICE FACILITIES.

11.1 General. The requirements of this section shall apply to service buildings, recreation buildings and other service facilities such as:

- (A) Management offices, repair shops and storage areas.
- (B) Sanitary facilities.
- (C) Laundry facilities.
- (D) Indoor recreation areas.
- (E) Commercial uses supplying essential goods or services for the exclusive use of camp and trailer occupants.
- (F) Sanitary station.

11.2 Service Building.

- (A) Service buildings containing the necessary toilet and other plumbing fixtures as specified by the R.I. Department of Health shall be provided in camping and travel trailer parks which provide space for dependent trailers and campsites. Service buildings shall be conveniently located within a radius of approximately 500 feet to the spaces to be served and not closer than 50 feet

to any campsite.

- (B) Where a camping and travel trailer parking section is designed for and exclusively limited to use by Self-contained trailers, only the following minimum emergency sanitary facilities shall be required: For each 100 camping and trailer spaces, or fractional part thereof, there shall be one flush toilet and one lavatory for each sex. This sanitary station shall be conveniently located and shall meet state and local requirements.
- (C) When a camping and travel trailer parking area requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for camping and trailer spaces and shall be based on the total number of persons using such facilities.

11.3 Structural Requirements for Buildings.

- (A) All portions of the structure shall be properly protected from damage by ordinary use and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- (B) all rooms containing sanitary or laundry facilities shall:
 - 1) Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture-resistant material.
 - 2) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall not be less than 10 percent of floor area served by them.
 - 3) Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
- (C) Toilets shall be located in separate compartments equipped with self-closing doors. The shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- (D) Illumination levels shall be maintained as follows:
 - 1) General seeing tasks--5 footcandles
 - 2) Laundry room work area--40 footcandles
 - 3) Toilet room in front of mirrors--10 footcandles
- (E) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal. If laundry fixtures are specifically designed for cold water and cold water soap, the hot water requirement may be waived for such fixtures.

11.4 Barbecue Pits, Fireplaces, Stoves and Incinerators. Cooking shelters, barbecue pits, fireplaces, woodburning stoves and incinerators shall be so located, constructed, maintained and used to minimize fire hazard and smoke nuisance both on the property on which it is used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectional odors. All fires shall be totally extinguished before they are left and all ashes shall be disposed of as other refuse and shall not be scattered on the ground.

11.5 A sanitary dumping station shall be conveniently located. This station shall meet state and local requirements.

SECTION 12. REFUSE HANDLING.

12.1 The storage, collection, and disposal of refuse in the camping and travel trailer park shall be so constructed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

12.2 All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any camping and trailer space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

12.3 Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and facilitate cleaning around them.

12.4 All refuse containing garbage shall be collected at least twice a week or more often if necessary. Where suitable collection service is not available from municipal or private agencies, the owner or operator of the camping and travel trailer park shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

12.5 Where municipal or private disposal service is not available, the owner or operator of the camping and travel trailer park shall dispose of the refuse by transporting it to a disposal site approved by the Town Council.

SECTION 13. INSECT AND RODENT CONTROL.

13.1 Grounds, building and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with requirements of the Town Council.

13.2 Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitos and other pests.

13.3 Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.

13.4 Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

SECTION 14. FUEL SUPPLY AND STORAGE.

14.1 Liquefied Petroleum Gas.

(A) Liquefied petroleum gas containers installed on a camping and trailer space shall be securely, but not permanently fastened to prevent accidental overturning.

Such containers shall not be less than 12 or more than 60 U.S. Gallons gross capacity.

(B) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, tent, trailer, or any other structure, unless such installations are approved by the Town Council.

14.2 Fuel Oil Storage.

- (A) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any camper or trailer or less than five feet from any camper or trailer exit.
- (B) Storage tanks located in areas subject to traffic shall be protected against physical damage.

SECTION 15. FIRE PROTECTION.

15.1 The camping and travel trailer park shall be subject to the rules and regulations of the fire prevention authorities.

15.2 Camping and travel trailer parks shall be kept free of litter, rubbish and other flammable materials.

15.3 Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in service buildings and at all locations designated by such fire prevention authority and shall be maintained in good operating condition.

15.4 Fires shall be made only in stoves and other equipment intended for such purposes.

SECTION 16. MISCELLANEOUS REQUIREMENTS.

16.1 Supervision.

- (A) The person to whom a license is issued shall at all times operate the camping and travel trailer park in compliance with this Ordinance and shall provide adequate supervision to maintain the camping and trailer park, its facilities, and equipment in good repair and in a clean and sanitary condition at all times.
- (B) The camping and trailer dwelling and/or spaces shall not be rented, loaned or in any way occupied for a permanent residence or abode.

16.2 Registration of Occupants. Every owner or operator of a camping and travel trailer park shall maintain a register containing a record of all tents, trailers, and occupants. Such register shall be available to any authorized person inspecting the camping and travel trailer park and shall be preserved for the period required by the Town Council. Such register shall contain:

- (A) The names and permanent addresses of all tent and trailer occupants.
- (B) The make, model, and license number of the camper, trailer, or tent trailer, and tow or carry vehicle.
- (C) The dates of arrival and departure of a camper or trailer and its occupants.

16.3 Reporting Communicable Diseases. Every owner, operator, attendant or other person operating a camping and travel trailer park shall notify the Town Council of any suspected communicable or contagious disease within the camping and travel trailer park. In case of disease diagnosed by a physician as quarantinable, the departure of a camper or trailer or its occupants, or the removal therefrom of clothing or other articles which have been exposed to infection without approval of the Town Council is prohibited.

16.4 Restriction of Animals and Pets. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any camping and travel trailer park.

16.5 Policing. The Town Council may require the owner or operator to employ such police constables as are necessary for traffic control or the policing of special events.

16.6 Existing Facilities. This Ordinance shall apply to all existing camping and travel trailer parks in the Town of Gloucester, provide, however:

- (A) The structural and dimensional requirements of this Ordinance shall not apply to those structures

and facilities which have been constructed prior to the effective date of the enabling act and are located within existing camping and travel trailer parks.

- (B) In order for existing camping and travel trailer parks to qualify for the exemption provided in this section, the owners or representatives of said parks must submit to the Town Council within two (2) months of the effective date of said enabling act an application for exemption which lists and describes those structures and facilities for which exemption is sought. Said application must contain the information set forth in Section 3.3(C) of this Ordinance. The Town Council, upon verification of the information provided, shall approve the application with respect to those structures and facilities that have been constructed prior to the effective date of said enabling act.
- (C) Except as provided above in parts A and B of this section, this Ordinance shall apply to existing camping and travel trailer parks and nothing contained herein shall be construed to authorize or waive any violations or illegal conduct existing as of the effective date hereof.
- (D) All existing camping and travel trailer parks shall comply with the licensing procedure set forth in Section 3 of this Ordinance, except that existing parks shall be exempt from Section 3.3(D) of this Ordinance upon compliance and approval in accordance with Section 16.6(B) above.

16.7 Accessory uses are limited to campground stores supplying camping supplies and provisions (but not a restaurant subject to a victualling license). All other uses will be limited to those specified in the original application.

SECTION 17. PENALTIES.

Any person who violates any provision of this Ordinance shall upon conviction be punished by a fine of not more than One Hundred dollars (\$100.00); and each day's failure of compliance with any such provision shall constitute a separate violation. Such conviction shall be in the appropriate court or courts of this State, and shall be in addition to, and not require the prior resort to, any other procedures of this Ordinance. In addition, the Town may proceed to enforce this Ordinance in the same manner as provided for the enforcement of Zoning Ordinances without prior resort to any other equitable relief without the necessity of establishing the existence of a nuisance, property damage, or threat thereof.

SECTION 18. CONFLICT OF ORDINANCES. Effective OF PARTIAL INVALIDITY.

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the Town of Gloucester existing on the effective date of this Ordinance, the provision which, in the judgement of the Town Council, establishes the higher standard for promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the Town of Gloucester on the effective date of this Ordinance which established a lower standard for the promotion of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

SECTION 19.

The maximum number of licenses to be issued for purposes of a camping and travel trailer park shall be limited to one such license for each 600 inhabitants of the Town of Gloucester.

SECTION 20.

The provisions of this Ordinance are severable and if any of its provisions are adjudged to be invalid or unconstitutional, this shall not affect or impair any of the remaining provisions.

SECTION 21.

This Ordinance as AMENDED shall take effect upon its passage. ADOPTED: Dec. 11, 1991, EFFECTIVE: Jan. 06, 1992.

SECTION 22: Winter Camping.

Winter camping may be allowed by permission of the Town Council under the following conditions:

- (A) That the park shall be the subject of a valid current license issued prior to the October 31 next preceding the winter camping;
- (B) That the park shall at all times maintain full and safe access to the park and all campers, trailers and campsites in use for emergency vehicles including police vehicles and fire and rescue apparatus;
- (C) That the park shall not contract to rent or loan or grant permission for the use of any camping and trailer space for any period longer than six (6) weeks;
- (D) That, due to the inherent dangers involved, the occupancy of any camper, trailer or campsite by children shall not be permitted except on weekends when it does not reasonably appear that weather will impede possible access of emergency vehicles; and
- (E) That the Town Council may impose such additional conditions as it may deem appropriate.

This amendment shall take effect upon its passage and publication as required by law. ADOPTED: Jan. 16, 1992 EFFECTIVE: Feb. 19, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council May 12, 1983; AMENDED February 9, 1989; CODIFIED: December 12, 1991, EFFECTIVE January 06, 1992; AMENDED January 16, 1992, EFFECTIVE February 19, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-04

A REGULATION PURSUANT TO THE CAMPING AND TRAVEL TRAILER PARK ORDINANCE OF THE TOWN OF GLOCESTER

Pursuant to Paragraphs 1 and 5 of Chapter 70 of the Public Laws of Rhode Island, 1978, and the Camping and Travel Trailer Park Ordinance of the Town of Glocester Paragraphs 4 and 6.1, and after a public hearing thereon, the Town Council of the Town of Glocester hereby adopts the following regulation concerning inspection of camping and travel trailer parks located wholly or partially within the said Town:

1. In the event that the Town Council or its agents are refused entry to camping and travel trailer parks for the purpose of conducting an inspection, or are refused access to places located in such parks from which the general public is prohibited, the Town Council and its agents shall generally be required to first obtain a warrant authorizing the inspection before proceeding with same, unless emergency or other conditions exist which constitute adequate excuse for not seeking to obtain a warrant prior to entry.

2. The Town Council hereby establishes a general administrative plan for the enforcement of the Ordinance which involves periodic inspections of camping and travel trailer parks with the Town on a monthly basis to ascertain compliance with and verification of matters pertaining to specific permits, licenses, and/or applications therefore.

3. The warrant which issued should indicate the scope of the inspection and the purpose therefore. The inspection should not exceed the limits set forth in the warrant.

4. Warrants should issue upon a showing that there is probable cause to believe a violation of the Ordinance exists or, upon a showing that an inspection would be in compliance with the general administrative plan for enforcement of the Ordinance. A sworn statement by a Town Council member or one of its agents, (including without limitation, the building inspector or police officers) that a warrant is sought for the purpose of ascertaining compliance with or verifying matters pertaining to specific permits, licenses, and/or applications therefore shall constitute a sufficient showing under this section.

5. Applications for warrants should indicate the specific purpose, scope, and manner of conducting the inspection requested.

6. This regulation shall take effect upon its passage. ADOPTED: Dec. 12, 1991 EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council January 12, 1979; CODIFIED: December 12, 1991, EFFECTIVE January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-05

LICENSING OF PRIVATE DETECTIVES

SECTION 1. "Private Detective" Defined.

"Private Detective," for the purpose of this Ordinance, shall mean and include any person who engages in business or who accepts employment for hire, fee or reward to furnish or supply information as to the personal character or actions or identity or business activities of any person; to inquire into unsolved crimes; to engage in clandestine surveillance; to search for missing persons; or to search for lost or stolen property; provided that "private detective" shall not include within its meaning a detective or officer belonging to the law enforcement agencies of the United States or of any state, county or city, nor someone employed and performing services exclusively for a single employer.

SECTION 2. Required; Compliance.

Every person shall be and is required by this Ordinance to have a valid detective's license as a condition precedent to the operation as a private detective; provided, that licenses heretofore issued and in effect shall continue in effect until the expiration of the period for which such license was granted. Upon expiration of any such presently existent valid **detective licenses, application** for renewal shall be made in accordance with the provisions of this Ordinance.

It shall be unlawful after the effective date of this Ordinance for any person to operate or continue to operate any business as a private detective without first complying with the requirements of this Ordinance.

SECTION 3. Application.

- (a) All applications for a license under the provisions of this Ordinance shall be made in writing to the Town Council upon forms provided by the Town Clerk in his/her office.
- (b) Every application for a license shall state the following:
 - (1) The full name, date of birth, residence, present and previous occupations including part-time occupations, and the name and address of present and previous employers.
 - (2) That each person signing the application as hereinafter required is a citizen of the United States or, if an alien, has permanent resident status in the United States.
 - (3) The location of the principal place of business of the applicant.
 - (4) A full set of fingerprints and a photograph taken within one year of the application date.
 - (5) That the applicant has been a bona fide resident of the State for a period of not less than thirty (30) days immediately preceding the filing of the application.
 - (6) Such other information as to the identity of the applicant as may facilitate investigation of the applicant's character.
- (c) The application shall be signed and sworn to by the individual applying before a person authorized to administer oaths.
- (d) The application shall be accompanied by three letters of reference, two of which shall be from residents of the town's attesting to the character and ability of the applicant, and at least one of which shall be from someone from a criminal justice agency.

SECTION 4. Investigation of Applicant; Investigation Fee.

After the applicant has properly executed the form provided in Section 3 and paid the cost of investigation as provided in Section 5, the Town Clerk shall submit the application together with all other information related thereto to the Chief of Police who shall conduct an investigation of the character of the applicant and, upon completion of his/her investigation, shall endorse upon the application his/her recommendation of approval or disapproval thereof and his/her opinion of the ability of the applicant to perform the services usually required of a private detective. For this purpose the Chief of Police may require the applicant to appear in person for an interview.

Every applicant for a license under this Ordinance shall, upon properly executing the application in conformity with Section 3, submit to the Town Clerk a fee of twenty-five dollars (\$25.00) to cover the costs of investigation of the applicant.

SECTION 5. Conditions.

The Town Council, upon being satisfied that the applicant's licensing will not be detrimental to the public safety or welfare, may grant the application; and the Town Clerk shall thereupon issue the license upon payment of fees required by this Ordinance and filing of a bond as hereinafter required; provided, that no license shall be issued to any person who:

- (a) has been convicted in any jurisdiction of a felony; or
- (b) has been convicted of two or more misdemeanors involving moral turpitude (unless the Council determines that the applicant has been rehabilitated); or
- (c) has been denied a private investigator's license or registration, or had such license or registration revoked, by the valid action of any local licensing authority; or
- (d) has been declared by any court of competent jurisdiction to be incompetent by reason of mental defect or disease, unless said court has subsequently determined that his or her competency has been restored; or
- (e) suffers from habitual drunkenness or narcotics addiction or dependency; or
- (f) does not have:
 - (1) at least five (5) years' experience as an investigator or as a police officer with a state, county or municipal police department or with an investigative agency of the United States of America or of any state, county or municipality; or
 - (2) a degree in criminal justice from an accredited college or university; or
 - (3) at least five (5) years' experience as an investigator working for a licensed private detective; or
 - (4) substantially equivalent training or experience.

SECTION 6. Term of License; Annual Renewal.

Any license issued in accordance with the provision of this Ordinance shall be for a term of one year and may be renewed annually subject to the payment of the appropriate fee as established by this Ordinance and subject to Section 11 hereof. At the time of such renewal the Chief of Police shall conduct such investigation and make such recommendation as provided in Section 4 hereof.

SECTION 7. Fee.

No license under this Ordinance shall be issued or renewed until the applicant pays to the Town Clerk a license fee as provided in Section 3 of the Appendix.

SECTION 8. Bonds.

No license shall be issued under this Ordinance until the applicant files with the Town a surety bond executed by a surety company authorized to do business in this state, in the sum of five thousand dollars (\$5,000.00) conditioned for the faithful and honest conduct of the business of private detective. Such bond as to its form, execution and sufficiency of the sureties shall be approved by the Town Council.

The bond required shall be taken in the name of the people of the state and every person injured by the willful, malicious and wrongful act of the principal may bring an action on the bond in his own name to recover damages suffered by reason of such willful, malicious or wrongful act.

Every licensee shall at all times maintain on file the surety bond required by this Ordinance in full force and effect and upon failure to do so the license shall be forthwith suspended until such a bond is furnished.

SECTION 9. Identification Card.

Every person licensed hereunder shall be given a permanent license number and shall be issued an identification card which shall be approximately two and one-half (2½) inches wide and three and one-half (3½) inches long and shall bear thereupon the number assigned to the licensee, the full name, date of birth, residence address, brief description of the licensee, his fingerprints and photograph, a space upon which the licensee shall write his usual signature with pen and ink, or a facsimile of such signature and the expiration date of such license.

SECTION 10. Transfer.

The transfer or assignment of any license issued hereunder is hereby expressly prohibited.

SECTION 11. Revocation; Denial of License Renewal.

The Town Council shall have the power to revoke, suspend or deny renewal of any license issued under the provisions of this Ordinance for cause, which may include but shall not be limited to violation of any of the provisions of this Ordinance or any laws of the state or other ordinances of the Town in the conduct of the business, in which case the Town Council by a majority vote may revoke the license for such business after first giving written notice to the licensee and after a hearing thereon.

It shall be a violation of this chapter for which the license may be revoked or other penalties imposed if:

- (a) Any licensee performs any services usually performed by a private detective, upon speculation and with a view towards selling the information so gathered to a customer by whom the licensee was not employed when the service was performed;
- (b) Any licensee misrepresents the scope of such license, or holds himself or herself out as a public official or as having any power beyond that of a private detective.
- (c) Any licensee makes a material misstatement in the application for granting or renewal of the license.

SECTION 12. Penalty for Violation of Ordinance.

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the adult correctional institutions for not more than six (6) months, or by both such fine and such imprisonment; but nothing herein contained shall apply to a detective of another state coming within this state in the performance of his or her duties for a temporary period and on a specific matter.

SECTION 13. Effective Date.

This Ordinance shall take effect upon its passage and shall supersede all other ordinances and provisions in conflict herewith. ADOPTED: Dec.12, 1991, EFFECTIVE Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council May 14, 1987; CODIFIED: December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE

ISLAND HEREBY ORDAINS:

2-12-06

**AN ORDINANCE RELATING TO THE REGULATION AND LICENSING OF
EARTH REMOVAL WITHIN THE TOWN OF GLOCESTER**

SECTION 1. Declaration of Purpose.

For the purposes of promoting health, safety, or general welfare and in order to effect uniform regulation within the Town of Gloucester for earth removal as hereinafter defined, and in order to protect and preserve the valuable natural resources, groundwaters, aquifers and environment of the Town of Gloucester, and in order to further the objectives of the Gloucester Comprehensive Community Plan, the Town of Gloucester shall have the power in accordance with the provisions of this Ordinance to provide for the regulation, control and licensing of earth removal as hereinafter defined, such power to be restricted and exercised in accordance with Sections 2 through 13 of this Ordinance.

SECTION 2. Definitions.

Agricultural use shall include any commercial enterprise which has as its primary purpose horticulture, viticulture, viniculture, floriculture, forestry, dairy farming, or aquaculture, or the raising of livestock, fur-bearing animals, poultry, or bees.

Earth removal shall mean the extraction, quarrying or removal of any soil, loam, sand, gravel, stone, clay, shale, or other earth material from deposits on any tract of land on which it is found. Excluding, however, earth removal as follows:

- (a) Less than ten (10) cubic yards of material in the aggregate in any year from any lot;
- (b) In grading land for construction of a roadway or for an agricultural use as defined herein, but not to exceed 25,000 cubic yards of earth material or to extend for a period more than three (3) months within a one (1) year time period;
- (c) For the construction of a building for which a building permit has been issued;
- (d) For an approved Subdivision in accordance with a plat plan or plans approved by or in accordance with the Gloucester Subdivision or Land Development Regulations, provided, however, that the removal of such material necessarily excavated in connection with the lawful construction of a building, structure, street, driveway, sidewalk, path or other appurtenance does not exceed that actually displaced by the portion of such buildings, structures, streets, driveways, sidewalks, or paths or other appurtenances below finished grade.

Town Council shall mean the duly elected Town Council of the Town of Gloucester.

Zoning Board of Review shall mean the Zoning Board of Review established by the Town of Gloucester.

Zoning Officer shall mean that person appointed by the Gloucester Town Council and charged with the duty to enforce the provisions of the Gloucester Zoning Ordinance.

*Cross-reference - Soil erosion and sediment control

SECTION 3. Operating Conditions.

Earth Removal operation on any tract of land in the Town of Gloucester shall be subject to the following provisions:

(a) Hours. Earth removal operations shall be limited to the hours between 7:00 a.m. and 6:00 p.m. of any Monday, Tuesday, Wednesday, Thursday, Friday or Saturday (except a legal holiday) except for reasonable conditions specially designed to safeguard the neighborhood and its residents or to accommodate the neighborhood schools and bus routes, which conditions as may be imposed by the Town Council in issuing an earth removal license. No earth removal shall be allowed on Sundays or legal holidays.

(b) Initiation or lateral expansion. The initiation or lateral expansion of earth removal is hereby prohibited, except where the applicant can demonstrate that no adverse impact will be created by implementation of a lesser requirement, as affirmed by the Town Council,

- (1) within two hundred (200) feet of a public road;
- (2) within two hundred (200) feet of neighboring lot lines.

(c) Fencing. Fencing shall be required of those portions of the boundary of the tract of land upon which earth removal is being conducted adjacent to residentially *developed* property, such fencing to be six (6) feet in height and effective to control access to the area in which such earth removal is being conducted, to include a gate to be locked during hours of non-operation. When an excavation will have a depth of more than fifteen (15) feet with a slope in excess of one to two, a fence at least six (6) feet high shall be erected to limit access to this area.

(d) Reduction of dust; recording instruments.

- (1) Calcium chloride or water shall be applied to reduce dust and mud on all non-hard-surfaced roads to be used for vehicular ingress or egress to the tract of land on which earth removal is to be conducted.
- (2) Where deemed appropriate by the Town Council, the installation, maintenance, and operation by the applicant of continuous recording instruments may be required to measure the effectiveness of all equipment used for drilling, digging, and hauling, to control or lessen noise, vibration, smoke, water pollution, odors, fly ash, dust, fumes, vapors, gases, and other forms of air pollution, toxic gases, heat, glare and fire or other safety hazards. The Town Council also may require that such recording instruments be tested at reasonable intervals under the direction of the Zoning Officer to determine their accuracy and that the results of such test be filed with the Town Council.

(e) Drainage, groundwater table elevation; permanent water bodies.

- (1) Drainage shall be provided to prevent the permanent collection and stagnation of surface or underground waters, and to prevent the flooding and erosion of surrounding property and the pollution of ponds and streams.
- (2) Earth removal shall not encroach closer than four (4) feet to the groundwater table. Groundwater table elevation determinations shall be made on all land from which earth products will be removed. Procedures for groundwater table elevation determinations shall be made in the same manner as required by the Department of Environmental Management (DEM) in their "Rules and Regulations Establishing Minimum Standards Relating to Location, Design Construction and Maintenance of Individual Sewage Disposal Systems" (R23-1-SD15.00-01 and 02). Where "subsurface seepage system" is used in the DEM regulations, "excavation of earth removal" shall be substituted. Where "director" or "agent of the director" is used in the DEM regulations, "Zoning Officer" shall be substituted;

When the director of the DEM determines specific dates, on a yearly basis, relative to seasonal

changes in highest groundwater table elevation, such dates may be used by the Zoning Officer. When groundwater determinations are made outside the wet season and percolation tests are required, such percolation tests shall follow the percolation test procedure as set forth in the DEM Regulations.

The Zoning Officer or his appointed representative shall witness all percolation and groundwater determinations and shall certify to the accuracy of technical data recorded. Any changes made in such DEM regulations relative to groundwater level determination and percolation tests from time to time shall be considered part of this ordinance.

- (3) Permanent water bodies shall not be created as a result of earth removal activities except as approved by the Zoning Officer as a part of an Erosion and Sediment Control Plan in accordance with the Erosion and Sediment Control Ordinance of the Town of Gloucester.
- (f) Off-street parking; posting of signs; access roads; truck routes.
 - (1) Off-street parking shall be provided and utilized by all vehicles engaged in or related to the earth removal operation.
 - (2) Any access to excavated areas or areas in the process of excavation shall be adequately posted with keep-out danger signs.
 - (3) Access roads shall be constructed with a curve so as to help screen the operation from the public view.
 - (4) All trucking routes and methods shall be subject to the review and approval of the Gloucester Safety Commission. The Town Council may require, after review by the Safety Commission, that such routes shall be cleaned, repaired and/or resurfaced by the earth removal operator where such is required by the Town Council.
- (g) Explosives. The use of explosives shall be in accordance with the regulations for storage or handling of explosives as set forth by the State of Rhode Island.
- (h) The storage of hydrocarbons or hazardous materials shall be prohibited above any designated groundwater aquifer. Vehicular maintenance/fueling areas shall provide the following:
 - (1) Impervious surface.
 - (2) Collection and disposal of contaminated drainage and/or waste products.
 - (3) Approval of the local fire authority having jurisdiction.

SECTION 4. Approval of the Zoning Board of Review Required.

As a condition precedent to the application for a license pursuant to section 5 hereof, the following shall be required: (i) Zoning Board of Review approval for a special-use permit as required by the Town of Gloucester Zoning Ordinance or nonconforming status under the Town of Gloucester Zoning Ordinance for the tract upon which earth removal shall occur which shall be evidenced by a valid prior Earth Removal License; and (ii) the applicants submission to the Town Council and the Town Council approval of:

- (a) Site plan. A site plan at a scale of not less than one hundred (100) feet to the inch and with contours of not more than two (2) feet, prepared by a registered engineer, land surveyor or landscape architect, in compliance with the provisions of this article and setting forth:
 - (1) Lot lines, ownership, abutters, adjacent public streets, watercourses, existing contours at intervals of not more than two (2) feet and location plan at a scale of not less than four hundred

- (400) feet to the inch;
- (2) Proper provision for vehicular traffic, service roads, control of entrances and exits to highways and town roads;
- (3) The relation of temporary and future buildings and operations machinery to the removal areas.
- (4) Delineation of removal areas and depths with estimates of cubic yards of material to be removed; fencing; fueling areas; method of removal; distance of excavation to street and lot lines.
- (b) Restoration plan. A restoration or reclamation plan prepared by a registered engineer, land surveyor or landscape architect, in compliance with the provisions of this ordinance at the same scale required for the site plan in section (a) and as required by the Gloucester Erosion and Sediment Control Ordinance, based upon classifications of preliminary samples, the nature of the material to be removed, including:
 - (1) The existing contours of the tract of land with a vertical contour interval of not more than two (2) feet;
 - (2) The final contours of the tract of land upon completion of earth removal operations with a contour interval not exceeding two (2) feet; and
 - (3) The type of ground cover to be planted or applied upon completion of earth removal operations to effectively control wind and water erosion; provided however, if suitable fertile ground cover existed at the beginning of earth removal, enough of said ground cover is to be held in reserve and reapplied for a minimum thickness of three (3) inches.

The said land restoration plan and its implementation applies to the conversion of the site and its planned restoration. It is, therefore, required that:

- (1) Any land restoration plan correspond to a situation which could reasonably occur in the immediate future (zero to five years), and be revised as necessary as the existing physical character of the removal area changes;
- (2) The land restoration plan or any part thereof which is reasonably applied to an area shall be put into effect within one year of cessation of normal earth removal operation for that area and completed by the timetable of the restoration plan.
- (3) The land restoration plan shall cover the entire site owned by or under control or potential control of the applicant and shall include provisions for closure of operations by phases on portions of the site and for removal of equipment from the site.

The decision of the Zoning Officer shall be final in determining when a restoration plan shall be put into effect, either on the entire site or on any portion thereof.

- (c) Erosion and sediment control plan. An erosion and sediment control plan shall be submitted and approved by the Zoning Officer as required by the Gloucester Erosion and Sediment Control Ordinance, as amended.
- (d) Certificate of Compliance. Upon completion of earth removal operations, or any portion thereof

which may be required elsewhere in this Ordinance, a Certificate of Compliance shall be submitted by a registered engineer, landscape architect or registered land surveyor stating that completion of said activity complies with the approved restoration plan.

- (e) Bonding. A bond to insure compliance with the restoration plan and to insure repairs to town roads of damage caused by any hauling operations related to the earth removal activity. The amount of the bond shall be calculated as follows:
 - (1) An amount not to exceed five hundred dollars (\$500.00) per acre of said tract of land;
 - (2) Any reasonable additional amounts required by the Town Council for anticipated road damage; and
 - (3) Any amounts required pursuant to the Gloucester Erosion and Sediment Control Ordinance.
 - (4) The Bond guaranty period shall extend beyond the license period until such time as the Town Council issues a license renewal.
- (f) Conditions for release or partial release of Bond guaranty shall be based on determination by the Town Council that:
 - (1) Vegetation planted has been determined to be successfully established;
 - (2) Drainage is satisfactory;
 - (3) The approved Soil Erosion & Sediment Control plan and conditions are fully implemented;
 - (4) No slope exceeds 1 (one) vertical to 3 (three) horizontal and so graded in accordance with approved plan;
 - (5) All debris, equipment, and structures are removed;
 - (6) Restoration is complete for the entire area or the phased area, whichever is applicable.
- (g) Forfeiture of Bond. Failure to comply with requirements and conditions of license upon written notice and public hearing may be just cause for forfeiture by Licensing Authority.
- (h) Noncompliance. If the plan set forth in subsection (b) above is not complied with, the town is authorized and empowered to undertake and complete such plan and the owner of said tract of land shall reimburse the town and the town shall have a lien on said tract of land for such expenses.

SECTION 5. License Required.

(a) As a condition precedent to any earth removal herein defined, a license shall be issued by the Gloucester Town Council following a public hearing to be held by the Town Council, with public notice thereof at least ten (10) days prior to the date of hearing in a newspaper of general circulation and with notice by certified or registered mail to the applicant and all property owners within a 200' radius of all property lines, and upon the submission of the documents required by Section 4 and 5 of this Ordinance, and approval thereof by the Zoning Officer, and the payment of a license fee not to exceed two hundred dollars (\$200.00) plus the costs of notice.

(b) The license shall be issued only to the property owner of record of the land upon which the earth removal shall take place and shall not be transferable. Should the land for which a license is issued be sold or otherwise conveyed, the transferee must obtain a new license.

(c) The license shall expire at the end of two (2) years and must be subject to renewal biennially with an application for renewal of an earth removal license and payment of the renewal fee not to exceed fifty dollars (\$50.00), plus the costs of notice. Plans shall be submitted to the Zoning Officer, showing any change or anticipated change from originally submitted plans of earth removal activities. If no changes are anticipated for the coming two (2) year license period, submission of new plans is not required.

(d) The Zoning Officer, upon the Town of Gloucester's receipt of an application for renewal of an earth removal license, shall make a field inspection of such earth removal activities to determine compliance with plans and approvals on file. Such findings shall be sent to the Town Council with a determination of compliance or non-compliance. The Town Council shall issue the license for another two (2) years upon determination of compliance and the biennial fee. Upon determination of non-compliance, the license shall not be reissued until compliance with this Ordinance.

(e) In granting or reissuing a license hereunder, the Town Council may impose such other additional, reasonable conditions specifically designed to safeguard the neighborhood and the town, which may include conditions as to the overall operations set forth in this Ordinance and as relating to the site plan and restoration plan requirements. The Town Council may also conditionally approve a license renewal pending the applicant's compliance with the additional reasonable conditions that it imposes.

SECTION 6. Appeals.

Appeals from the decisions of the Town Council shall be taken in accordance with Title 45, Chapter 5, Sections 16 and 17 of the General Laws of Rhode Island.

SECTION 7. Revocation of License.

Any license issued under the authority of this Ordinance by the Town Council may be revoked after notice and public hearing for violation of any of the provisions or conditions/stipulations imposed upon said license. The Town Council shall fix a reasonable time for the hearing on revocation, give public notice thereof at least two (2) weeks prior to the date of hearing, as well as due notice to the party in interest, by certified mail, return receipt requested, and decide the same within a reasonable time, which decision shall be in writing and contain appropriate findings of fact. Upon hearing, any party may appear in person or by agent or by attorney.

SECTION 8. Enforcement Provisions.

(a) Penalty for violations. Any person, firm or corporation violating any of the provisions of this article shall be subject to a fine as a penalty not exceeding one hundred dollars (\$100.00) for each offense; each and every violation or nonconformance to this Ordinance, or each day that any provision shall have been violated, shall be construed as a separate and distinct violation thereof. All such fines shall inure to the benefit of the town.

(b) Suit. Suit may be brought in the superior court in the name of the town to restrain any violation of or compel compliance with the provisions of this Ordinance.

SECTION 9. Exemptions.

This Earth Removal Ordinance shall not apply to all presently licensed earth removal activity being conducted on the date of its enactment on any tract of land within the Town of Gloucester until one hundred eighty (180) days after the enactment of this ordinance. All existing earth removal operations in the Town of Gloucester shall be subject to this ordinance, but all earth removal licenses issued prior to the enactment of this ordinance shall be valid until the Town Council acts on any new applications that are filed within one hundred eighty (180) days after enactment of this ordinance. If a timely application for a license is not filed by a property owner within one hundred eighty (180) days after the enactment of this ordinance, any earth removal license issued for said property prior thereto by the Town of Gloucester shall expire.

SECTION 10. Severability.

If any provisions of this ordinance or the application thereof is held invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 11. Town of Glocester to Comply with Ordinance.

If the Town of Glocester shall engage in earth removal for municipal purposes, it shall substantially comply with the provisions of this Ordinance.

SECTION 12.

This Ordinance shall take effect upon its passage and publication as required by law and shall be deemed to repeal any inconsistent prior ordinance. ADOPTED: May 18, 1995, EFFECTIVE: June 12, 1995.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council June 13, 1975; AMENDED July 1, 1976; CODIFIED: December 12, 1991, EFFECTIVE January 06, 1992; AMENDED May 18, 1995. EFFECTIVE June 12, 1995.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-07

ENTERTAINMENT LICENSES

SECTION 1.

It shall be unlawful to conduct or operate any theatrical or musical performance, show, exhibition, public roller skating in rinks or halls, dances and balls, or spectator sporting event within the Town of Glocester which is open to the general public where the number of persons in attendance is more than fifty without having first obtained a license therefor from the Glocester Town Council.

SECTION 2.

Written application for granting or renewal of entertainment licenses shall be made to the Glocester Town Clerk preceding the date of the scheduled entertainment, or the date of the first scheduled entertainment should the license application be for a series of entertainment dates, by an amount of time sufficient to allow for advertising and hearing by the Town Council.

Each application shall specify the name and address of the applicant and of the owner or lessor of the property where the proposed entertainment will be conducted, the nature of the proposed entertainment, location, date(s) of proposed entertainment(s), as well as what provisions will be made for medical assistance, fire protection, police protection, parking facilities, protection of the neighboring property, and crowd control and sanitary facilities. If the applicant is a corporation, partnership or other entity, the application shall also specify the names and addresses of the principle shareholders, partners or those in control of the corporation, partnership or other entity. Each application shall include a list of the names of the owners of all properties within three hundred feet (300') of the perimeter of the premises in or on which the entertainment is sought to be located.

Each application shall also contain a specific description of any other entertainment or amusement conducted or operated by the applicant, within or without the Town, and shall include such references, if any, as applicant deems appropriate with respect to such entertainment or amusement.

SECTION 3.

Upon receipt of such application, the Town Clerk shall assign said application for public hearing before the Gloucester Town Council at its next regular meeting. A notice of such hearing shall be sent by regular mail at least one (1) week prior to the hearing to the owners of all properties within three hundred feet (300') of the perimeter of the premises in or on which the entertainment is sought to be located. The application and public hearing shall also be advertised in a newspaper of general circulation in the Town by the Town Clerk. The Town Council may, in its discretion, waive the notice requirements set forth in this Section where the applicant is a non-profit entity.

SECTION 4.

The Town Clerk shall also give similar notice to the Chief of Police at least one (1) week prior to the hearing so that the application and the provisions set forth in Section 2 of this Ordinance can be reviewed.

SECTION 5.

The Town Council shall conduct a hearing upon each application for each new entertainment license. The Town Council shall grant said license only if the Town Council shall find (a) that the proposed entertainment would not constitute a public nuisance, (b) that the proposed entertainment would not violate any other applicable legal requirements, and (c) that all requirements set forth in Section 2 of this Ordinance have been met. The issuance of such license shall be for such period, not to exceed one year, and subject to such conditions as the Town Council in its discretion shall reasonably determine. Any license issued for a series of entertainment dates shall expire no later than one year after the date of issuance of such license but may be renewed as provided in Section 8 of this Ordinance.

SECTION 6.

At the time of the issuance or renewal of any license, or thereafter during the term of any license, the Town Council, in order to maintain order and to insure public safety, may direct the Chief of Police to assign one or more police officers to the location at which the license was granted at such times as the Town Council may direct. The licensee shall pay for the services of said police officer or officers at the prevailing rate.

SECTION 7.

No entertainment license shall be issued to or renewed by any applicant currently in the arrears in any tax or assessments levied by the Town of Gloucester, or for use upon any premises for which any such taxes or assessments are unpaid at the time of the filing of the application.

SECTION 8.

The holder of any license issued for a series of entertainment dates may apply to the Town Clerk for renewal of such license upon its expiration. The Town Clerk shall permit such renewal only if the Town Council shall find (a) that the proposed entertainment would not constitute a public nuisance and (b) that the proposed entertainment will not violate any other applicable legal requirements. The Town Council, at its discretion, may hold a public hearing with respect to any application to renew an entertainment license, but no such hearing shall be a condition

to consideration by the Town Council of any renewal application.

SECTION 9.

Any license issued by the Town Council may be revoked by the Town Council (a) for violation by the holder of the license of any provision of this Ordinance, (b) because the entertainment constitutes or results in a public nuisance or (c) for other reasonable cause shown.

SECTION 10.

Schedules of fees, expenses and penalties for violation of this Ordinance are located in the Appendix.

SECTION 11.

If any clause, provision or requirement of this Ordinance be declared invalid, such action shall not affect the validity of any other clause, provision or requirement hereof.

SECTION 12.

This Ordinance shall take effect upon its passage. ADOPTED: Dec.12,1991; EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council July 8, 1982; EFFECTIVE August 15, 1982; AMENDED December 19, 1982; CODIFIED: December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-08

HAWKERS AND PEDDLERS

SECTION 1. Definitions.

- (a) As used in this Ordinance, the term "hawker" means one selling or offering for sale any goods, wares or merchandise whatsoever on any public street, highway or right-of-way from a stationary location.
- (b) As used in this Ordinance, the term "peddler" means one selling or offering for sale any goods, wares or merchandise whatsoever on any public street, highway or right-of-way from a vehicle, cart or any other conveyance which is not stationary.

SECTION 2. License

- (a) Except as hereinafter provided on and after the 26th day of July, A.D. 1915, all hawkers and peddlers desiring to sell or offer for sale as hawkers and peddlers any articles or substances within the Town of Glocester, and all persons desiring to sell or offer for sale any goods, wares, merchandise, fruits or vegetables or other articles or substances on any street in said town, shall first

obtain a license therefor to be issued by the Town Clerk of said town, and to that end shall make application to the Town Clerk of said town for such license therefor respectively as may be desired, and said Town Clerk may issue a license accordingly to such persons respectively to sell the articles and substances hereinbefore mentioned in such manner as shall be specified in such license, upon any street in said town, or to hawkers and peddlers authorizing them to sell or offer for sale as hawkers and peddlers any articles or substances within said town for the period from the date of such license until the first day of April next ensuing such date.

- (b) No such license shall be issued until the applicant for said license shall have filed with the Town Clerk a certificate under oath setting forth the following:
 - (1) That he is a citizen of the United States, or a resident alien.
 - (2) His full name, present residential address and Date of Birth.
 - (3) That he has not been convicted of any criminal offenses.
- (c) All persons offering for sale, taking orders for sale or selling any goods, wares, merchandise, or any other articles or substances on any street, highway or right-of-way within the town shall make application to the town clerk for a license. Such application shall be made even if the applicant holds a state peddlers license, and upon approval of such application by the town clerk, the town clerk shall issue a license to such person to sell the articles or substances herein mentioned upon any street, highway, or right-of-way in the town; provided, however, that no license to sell or offer to sell shall be issued for the sale of any meats, fruits, poultry, fish, vegetables or food products of a perishable nature unless all necessary state approvals have first been obtained by the applicant.
All peddlers, hawkers, or other persons requiring a license under this ordinance, who sell food or beverages of any kind or product for human consumption shall, before the license is issued, have their truck, cart, or other equipment inspected and approved by all necessary state agencies; no beverages of any kind shall be sold other than in a single service disposable type container.
- (d) The application required in subsection (c) shall specify the days and hours of such day during which the applicant wishes to operate, the goods and articles which will be sold, the year, make, model and registration number of any vehicle to be used and the location or locations at which the operation shall take place.
- (e) The applicant shall, upon approval for a license required under this ordinance, provide two (2) so-called passport size photographs of the individual authorized to act under such license. The town clerk shall in addition to the license specified above, issue an identification badge containing one (1) of the photographs of the authorized individual along with the effective dates of the license and such other information as the town clerk shall deem appropriate. The town clerk shall maintain the other photograph with the application. Exception to this requirement may be allowed only under the section of this ordinance entitled "Special event license".
- (f) No such license shall be issued also until such time as the Chief of Police of said Town of Gloucester shall approve the application of said license in writing, provided, however, that such approval shall not be unreasonably withheld. Failure on the part of the said Chief of Police to object in writing within fourteen (14) days of the application with the Town Clerk, shall be deemed to be an approval by said Chief of Police.
- (g) No person shall peddle or hawk within the town or offer for sale, take orders for sale or sell on any street, highway, or right-of-way, within the town, any goods, wares, merchandise, foodstuffs, flowers,

magazines, subscriptions, books or any other articles or substances from any vehicle, cart, pushcart, basket or hand carried, without first obtaining a license from the town clerk.

- (h) No license issued pursuant to this ordinance shall be transferable, nor shall it authorize any person other than the individual to whom it was issued and named therein to act thereunder; provided, however, a licensee may employ a driver and such driver may operate on the license as long as he/she is registered with the town clerk as a driver for the license. A separate license shall be required for each vehicle, cart or pushcart. Every licensee shall carry with him/her such license while engaged in peddling and produce the same when required by an inhabitant of the state or any person having a license under this ordinance, and failure on his/her part to produce the same within ten (10) minutes shall be cause for the revocation of such license.

Every licensee shall wear, while engaged in any activity regulated by this ordinance, the identification badge issued by the town clerk. Such identification badge shall be worn so that it is clearly visible. Violation of this section shall be cause for the revocation of the license issued under this ordinance.

- (i) Exceptions

- (1) No license shall be required under this Ordinance for the following:

- (a) The sale of religious books or publications on behalf of bible, tract, or other religious or moral societies for the purpose of promoting religious or moral improvement and not for the pecuniary profit.

- (b) The sale of flowers or vegetables which are grown and sold on the seller's property.

SECTION 3. Fees.

All applicants licensed under this Ordinance shall pay a fee as provided in Section 3 of the Appendix which shall be retained by the town whether such license is granted or denied.

No license fee shall be charged to any nonprofit organization or nonprofit corporation.

SECTION 4. Regulated.

- (a) Peddlers or other persons requiring a license under this Ordinance shall be moving at all times except to service customers and shall not remain in any location awaiting patrons. Stopping for servicing customers shall be in a manner not to impede the flow of traffic; nor block traffic or create a traffic hazard.

- (b) There shall be no solicitation of motor vehicles while a motor vehicle is stopped in traffic or stopped at a traffic light or intersection. All peddlers, hawkers or other persons requiring a license shall be prohibited from blocking any sidewalk.

- (c) Hawkers shall be allowed only under the sections of this ordinance entitled "Special event licenses".

- (d) The chief of police may, from time to time, submit to the town council locations, public streets, highways or rights-of-way throughout the town which in his/her opinion, because of excess traffic and congestion, are rendered unsafe for the public welfare to allow the selling or offering for sale of merchandise by peddlers, hawkers, or other persons requiring a license under this ordinance.

- (e) All peddlers shall be prohibited from selling or displaying goods at the following locations:

- (1) At the intersection of Route 44 and 102;

- (2) At the intersection of Route 44 and 100;

- (3) At the intersection of Route 100 and 102;

- (4) At the intersection of Route 44 and Douglas Hook Road;

- (5) At the intersection of Route 44 and Farnum Road;
- (6) At the intersection of Route 44 and Saw Mill Road;
- (7) At the intersection of Route 44 and Pine Orchard Road;
- (8) Exceptions to Section 4 (e)(1),(2),(3),(4), (5), and (7) may be allowed only under the sections of this ordinance entitled "Special event licenses".

(f) At no time shall any peddler, hawker, or other person requiring a license under this ordinance impede the flow of pedestrian or vehicular traffic. The chief of police shall have the authority to suspend the operation of such licensee at any time and for such period of time where conditions exist that he/she deems it in the interest of public safety to do so, without prior request to the town council.

(g) No licensee shall offer for sale at any town-owned park or recreational area, any goods or services, excepting on behalf of any nonprofit organization or nonprofit corporation, where no part of the income of such sale will be distributed to such persons, or the members, directors or officers of such nonprofit organization or nonprofit corporation. In addition, all such nonprofit organization and nonprofit corporations shall obtain a written permit from the recreation director in advance of making an application.

(h) No peddler shall stop to service customers within one hundred (100) feet of any establishment offering for sale similar goods or services.

(i) No peddler or hawker shall wear clothing that to the reasonable person shall be considered suggestive and/or offensive to the community.

SECTION 5. Sales Prohibited During Certain Hours.

No peddling, hawking or other activity regulated by this ordinance shall be permitted anywhere in the town, except between the hours of 9:00 a.m. to 8:00 p.m. in residential districts and between the hours of 9:00 a.m. to 9:00 p.m. in business districts and industrial districts provided, however, that food, beverages or other products for immediate human consumption may be sold in industrial districts between the hours of 7:00 a.m. to 9:00 p.m.

SECTION 6. Excessive Nuisance Prohibited.

No peddler, hawker, or other persons requiring a license under this ordinance shall attempt to sell his/her wares by means of any loudspeaker, voice amplification system or electronic noisemaking device intended to attract public attention, nor shall he/she create a nuisance situation.

SECTION 7. Violations

- (a) Each license to peddle or hawk shall expire on the first day of April each year, but may be revoked or suspended at any time by the town council for violation of any of the provisions of this ordinance or for any other good cause.
- (b) Peddler, hawker, or other person requiring a license under this ordinance while engaged in an activity regulated by this ordinance, who shall neglect or refuse to wear the identification badge specified in this ordinance or who shall neglect or refuse for a space of ten (10) minutes after demand by any inhabitant of the state or any other person having a license under this ordinance, to exhibit the license, issued pursuant to this ordinance, and allow the same to be read, shall, if sued or prosecuted under Title 5, Chapter 11 of the General Laws be adjudged to pay the costs of such suit or prosecution, although it shall appear on trial that he/she had a license duly issued and in force at the time of the

alleged offense.

- (c) Any person selling any goods, wares or merchandise in the Town of Gloucester in violation of this ordinance shall upon conviction be fined or imprisoned as provided in Section 1 of the Appendix, provided, however, that no person shall be fined more than two hundred dollars (\$200) or imprisoned more than ten (10) days for such violation.

SECTION 8. Categories.

- (a) Enumerated: For the purpose of this ordinance, the town shall have three (3) categories of licenses:
 - (1) Those persons or business selling or offering to sell perishable foodstuffs and soft beverages;
 - (2) Those persons selling or offering for sale articles or goods made by their own hands;
 - (3) Those persons or businesses selling or offering for sale other articles of general merchandise or manufacture, including magazines and subscriptions.

- (b) Limitations:

As of the effective date of the adoption of this subsection, the maximum number of licenses in each category shall be as follows: a maximum of five (5) licenses in category 1; maximum of three (3) licenses in category 2; and a maximum of three (3) licenses in category 3; provided, however, that the reduction in the number of authorized licenses shall not be deemed to effect the right of any current license holder to continue to renew the license annually. All licensees who have obtained a license prior to the effective date of this subsection shall be entitled to annually renew the license, notwithstanding the limitations on the number of licenses authorized to be issued, so long as the licensee complies with all of the provisions of this ordinance and any applicable regulations. Any licensee who fails to renew his/her license prior to the expiration date shall not be entitled to renew the license unless and until there is a license available in the category applied for. No new licenses in any of the categories shall be issued until the total number of license issued for a specific category is less than the maximum number set forth above..

- (c) Vacancies:

The town clerk shall maintain a list of persons interested in obtaining each category of license and upon the occurrence of a vacancy in such category, shall notify the person whose name appears first on the waiting list of such category of the availability of a license. If the person so notified fails to make application within ten (10) days after notification, the town clerk shall remove that person's name from the list and notify the person whose name appears next on said list until an application is received. In the event that the town clerk does not approve the application; any applicant may appeal to the town council within thirty (30) days of the date of any denial by the town clerk of any such application. In order to be considered by the town council, any such appeal must be properly delivered in writing by the applicant no later than the close of business on the Monday immediately preceding the next town council agenda meeting.

SECTION 9. Special Event Licenses.

- (a) In addition to the other licenses referred to in this ordinance the town clerk shall have the authority to issue special event licenses that shall include any parade, concert, carnival, festival or other event as may be designated by the town council. Such licenses shall authorize the holder to engage in activities similar to those regulated by this ordinance and shall subject the holder thereof to all of the

provisions of this ordinance with respect to such activities.

- (b) A fee shall be charged for all applications for special event licenses in accordance with Section 3 of this ordinance and shall be retained by the town whether the license is granted or denied.

SECTION 10. Special License

- (a) In addition to the other licenses referred to in this ordinance the town clerk shall have the authority to issue a hawkers license(s) to the premises of a non-profit farm cooperative agency(ies) jointly with an applicant for the sale of vegetables, fruits and flowers.
 - (1) Requirements:
 - (i) The applicant must be a town resident.
 - (ii) All items to be sold must be grown on the applicants premises.
 - (2) Limitations:
 - (i) Maximum of two (2) licenses per non-profit farm cooperative agency; per granted date(s).
- (b) A fee shall be charged for all applications for a special license in accordance with Section 3 of this ordinance and shall be retained by the town whether the license is granted or denied.

SECTION 11. Effective Date.

This Ordinance shall take effect upon its passage and publications as required by law. ADOPTED: July 21, 1994, EFFECTIVE: Aug. 15, 1994.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council, July 10, 1915; AMENDED September 15, 1957, AMENDED May 12, 1988; CODIFIED: Dec. 12, 1991, EFFECTIVE January 06, 1992; AMENDED July 21, 1994, EFFECTIVE August 15, 1994.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-09

AN ORDINANCE CONCERNING DEALERS IN JUNK, OLD METALS AND OTHER SECOND-HAND DEALERS

SECTION 1.

No person shall engage in the business of purchasing, selling, bartering or dealing in junk, old metals or any second-hand articles including automobiles, whether as a keeper of a shop or storehouse for the reception of the same, or as gatherer of same in any bag, wagon or cart, or as foundryman, or other person receiving the same for the purpose of melting the same, or of converting the same in castings, within the Town of Glocester, unless such persons shall be duly licensed, by the Town Council and subject to the following conditions and restrictions:

SECTION 2.

The annual fees for license as issued shall be as follows:

| | |
|---|----------|
| For a keeper of a shop or storehouse | \$25.00; |
| For a gatherer | \$25.00; |
| For a foundryman or other person receiving the same for the purpose of melting the same, or of converting the same into casting | \$ 5.00; |
| For a dealer in automobiles or accessories | \$ 5.00. |

SECTION 3.

No such business shall be carried on in any building or premises of any part of which is used as a dwelling house, except with the recommendation in writing of the Chief of Police and Chief of Fire Department.

SECTION 4.

Every such licensed person, except licensed gatherers, shall keep in a book obtained from, or under direction of, the Town Clerk a contemporaneous record in ink, and in the English language, of the business done by him as follows:

A description of every article purchased or sold by him, at the time of such purchase or sale; The name and residence of the person from or to whom the same was purchased or sold, and the day or hour of such purchase or sale.

SECTION 5.

Said book of record, and every shop, storehouse, bag, wagon, cart or foundry, or place of business of any such licensed person, shall be subject to the inspection and examination of the Chief of Police, any Captain of Police, any Sergeant of Police, any Police Constable, or any person authorized by any of them.

SECTION 6.

No keeper of any junk shop or storehouse shall do or suffer to be done any business therein between the hours of seven o'clock before noon.

SECTION 7.

Every keeper of any junk shop or storehouse, licensed aforesaid, shall display in a conspicuous place within such shop or storehouse the license last granted to him.

SECTION 8.

Every gatherer of junk or second-hand articles, when licensed by the Town Council, shall obtain from the Town Clerk, a badge and shall at all times wear said badge conspicuously on the outside of his outside coat when engaged in his business. Said badge shall be valid for the year for which it is issued and is not redeemable and shall bear in enamel a number which shall correspond to the badge number indicated on the license and the date of expiration of the current year and shall be issued upon payment of fifty (50) cents.

SECTION 9.

No person shall wear any such badge after the expiration or revocation of the license represented by it, and any licensed person who shall suffer any such badge, issued to him aforesaid, to be used by another person for a purpose similar to that for which the badge was issued to him, shall forfeit said badge, together with the license represented by it.

SECTION 10.

No person licensed as herein provided shall directly or indirectly either purchase or receive in barter or exchange any junk, old metals or second-hand articles from any minor unless such minor shall be licensed in accordance with this ordinance; nor shall any licensed person directly or indirectly either purchase for receive in barter or exchange or sell any bar or pig iron.

SECTION 11.

No dealer in second-hand articles shall display in his place of business, pistols or firearms of any description, black jacks, sling shot, billy, brass knuckles, or other weapons of like kind and description.

SECTION 12.

Every applicant for a license under this ordinance shall set forth with full particulars, upon a form to be furnished by the Town Clerk, answers to the following questions, to wit:

- First: Name and address, both of residence and place of business of the applicant;
- Second: Nationality of the applicant;
- Third: Business employment of the applicant during the five years next preceding his application;
- Fourth: Age of the applicant;
- Fifth: Purpose for which license is wanted;
- Sixth: Whether or not the applicant holds any license issued by any other city or town, and if so, for what the license has been granted, the number of the applicant's wagon or cart, if he has, and by what city or town said license has been granted.

Such application shall be referred to the Chief of Police for his recommendation, before being acted upon the Town Council.

SECTION 13.

Any license granted under the provision of this ordinance may be transferred by the Town Clerk, upon the approval of the Town council first had end obtained, upon the payment of a fee of one dollar (\$1.00).

SECTION 14.

All licenses granted hereunder shall expire on the thirty-first day of December next succeeding the date of such license, and no rebate shall be made from the license fee for such license for any licensed term less than one year.

SECTION 15.

This ordinance shall not apply to keepers of shops for the purchase, sale or barter of books, pamphlets and periodicals.

SECTION 16.

Every application for a license hereunder to keep a shop or storehouse for the reception of any junk, old metals or other second-hand articles, shall be continued by the Town Council to some meeting subsequent to that at which such application is received. All property owners whose property is located within two hundred (200) feet of the property line of the lot or parcel of land whereon the applicant proposes to locate the said shop or storehouse, shall be given notice by registered mail, which said notice shall be mailed to the owner of record of such adjoining or nearby property owner by the Town Clerk to the last and usual place of abode of the said property owner, and notice of the pendency of such application and of the time and place when and where such application will be considered shall be given by advertisement in some public newspaper in the Community of Providence, in order that any person or persons interested in the said application may appear before the Town Council and be heard in favor of or in opposition to the granting of the license to the applicant.

SECTION 17.

Any person violating the provisions of this ordinance shall be fined not less than Five Dollars (\$5.00) nor more than Twenty Dollars (\$20.00), or be imprisoned not exceeding ten (10) days.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by Town Council October 9, 1953; CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-10

LIQUOR LICENSE TRANSFER FEE (S)

An Ordinance Regulating Liquor License Transfer Fee (s)

Fee for the application for Transfer of a Liquor License shall be determined from time to time by the Town Council. All advertising costs shall be paid by the applicant before issuance of the Transfer of a Liquor License. The fee of \$25.00 plus the cost of advertising a Liquor License Transfer.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council May 10, 1990; CODIFIED: December 12, 1991, EFFECTIVE January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-11

**ORDINANCE PROHIBITING NUDITY WHERE
ALCOHOLIC BEVERAGES ARE SOLD**

SECTION 1.

It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the Town of Gloucester at which alcoholic beverages are offered for sale for consumption on the premises to suffer or permit:

- (a) Any female person, while on the premises of the commercial establishment, to expose to the public view that area of the human breast at or below the areola thereof.
- (b) Any female person, while on the premises of the commercial establishment to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in subsection (a) (1) above.
- (c) Any person, while on the premises of the commercial establishment, to expose to public view his or her genitals, pubic area, anus, or anal cleft or cleavage.
- (d) Any person, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, anus, anal cleft or cleavage.

SECTION 2.

It shall be unlawful for any female person, while on the premises of a commercial establishment located within the Town of Gloucester, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance or simulate such areas of the female breast as described herein.

SECTION 3.

It shall be unlawful for any person, while on the premises of a commercial establishment located within the Town of Gloucester, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his or her genital, pubic area, anus or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, or anal cleft or cleavage.

SECTION 4.

Any person who shall violate any provision of this section shall be guilty of an offense against the Town punishable as provided in Section 1 of the Appendix of this Code.

SECTION 5. Effective DATE.

This Ordinance shall take effect upon its passage and publication as required by law. ADOPTED: Aug.

17, 1995, EFFECTIVE: Sept. 11, 1995.

Barbara E. Robertson, CMC, Town Clerk

History of Ordinance: ADOPTED by the Town Council August 17, 1995, EFFECTIVE: Sept. 11, 1995

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-12

VICTUALING ORDINANCE

SECTION 1.

No person or persons shall keep a Victualling house in the Town of Gloucester without first having obtained a license therefor from the Town Council of said Town of Gloucester.

SECTION 2.

The fee for such license for a Victualling house shall be \$50.00 and \$75.00 for a 24 hour license.

SECTION 3.

A Victualling license shall apply to shops, houses or places where victuals and foods are sold or furnished, whether the same is the principal business of the licensee or not.

SECTION 4.

The license shall allow no punch boards, gambling machines, or any apparatus or any gambling of any kind upon his premises and each license shall be held strictly accountable for the observance of this section.

SECTION 5.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council April 14, 1923; AMENDED May 12, 1988; CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-13

AN ORDINANCE REGULATING THE USE AND LOCATION OF MOBILE-HOMES AND HOUSE TRAILERS, WHEN STATIONARY, WITHIN THE TOWN OF GLOCESTER, RHODE ISLAND, AND BEING USED FOR DWELLINGS, PERMANENT AND TEMPORARY

SECTION 1. Definitions.

- (A) "Person" includes individuals, partnerships, corporations, owners, lessees, licensees, and the agents of each of them.
- (B) "Licensee" shall be deemed to be any person or persons, firm or corporation receiving a license to conduct, operate or maintain a mobilehome park or trailer park or individual mobilehome or trailer, as the case may be.
- (C) "Licensing Authority" means the Town Council of the Town of Glocester, Rhode Island.
- (D) "Mobilehome" shall be deemed to be any type of vehicle used for sleeping or living quarters, permanent or temporary, which may or may not be equipped with running water, bath facilities, flush toilet and/or other appropriate sanitary conditions, and which wheels are or could be attached thereto.
- (E) "Trailer" shall mean any house, car, or automobile trailer, other than a mobilehome, used for or adaptable for the use as living quarters, permanent or temporary, and either with or without wheels attached thereto.
- (F) "Mobilehome Park or Trailer Park" shall mean privately owned land upon which two or more mobilehomes or trailers are or are intended to be used and occupied as sleeping or living quarters, permanent or temporary, and in this Ordinance, the use of the word "Park" alone, or the use of the words "Mobilehome Park" by themselves, or the words "Trailer Park" by themselves, in the singular or plural, shall be construed to include both Mobilehome Parks and Trailer Parks.
- (G) "Collector" means the Tax Collector of the Town of Glocester, Rhode Island.
- (H) "Health Officer" means the duly appointed health officer of the Town of Glocester, Rhode Island, or his deputy.

SECTION 2. License for Mobilehome or Trailer Parks.

- (A) No person shall maintain or operate a mobilehome park or trailer park without having first obtained a license from the Licensing Authority. These regulations shall apply forthwith to all existing mobilehome or trailer parks; provided, however, that the Licensing Authority shall upon application grant such extension of time or waive such requirements (other than the Sanitary Requirements) as may in its judgement be appropriate.

SECTION 3. Application for a Mobilehome Park or Trailer Park License.

- (A) Any person desiring to establish or operate a mobilehome park or trailer park shall, prior to placing mobilehomes or trailers on any proposed site, or doing any other or manner of thing with respect to the construction of any facilities in connection with the operation of any such park, first file an application, signed by the applicant, with the Town Clerk of the Town of Glocester, setting forth the hereinafter required information and accompanied by such other materials as shall satisfy such requirements:
 - (1) Name and address of the applicant.

- (2) A plot plan made by a licensed surveyor under seal, showing the site of the mobilehome park or trailer park, roads, location, size, shape and identification number of the mobilehome or trailer lots or spaces, locations of sanitary provisions and the name of abutting property owners according to the Land Records of the Town of Glocester, Rhode Island.
 - (3) Proof of Ownership, option or valid lease of the premises to be used as a mobilehome park or trailer park.
- (B) At the time of the filing of said application, a filing fee of \$25.00 shall be paid to the Town Clerk of the Town of Glocester, Rhode Island.
 - (C) Upon the filing with the Town Clerk of the application for a license, accompanied by such other information as herein required, and after payment of the herein prescribed fee, the Town Clerk shall within ten (10) days thereafter, transmit to the Planning Board the Said application and accompanying information for study and recommendation to the Town Council.
 - (D) The Planning Board of the Town of Glocester, Rhode Island, shall within sixty (60) days after receipt of the application and accompanying information from the Town Clerk, return to the Town Clerk for action thereon by the Town Council, the application and accompanying information, together with the recommendation of said Planning Board. The Town Clerk shall thereupon publish notice of said application at least once each week for three (3) successive weeks in a public newspaper published in the County of Providence, for public hearing thereon at the next convenient regular meeting of the Town Council.
 - (E) After public hearing by the Town Council of the Town of Glocester, as aforesaid, the said Town Council shall either approve or deny said application, and said Town Council may impose such conditions or restrictions limiting the number of mobilehome sites or trailer sites, or any other conditions or restrictions, as in its discretion shall seem advisable under the circumstances.
 - (F) In the event that the said Town Council shall approve said application, with or without conditions or restrictions, said applicant shall forthwith construct and prepare said mobilehome park or trailer park in accordance with the plans submitted by it and in accordance with any such conditions or restrictions as the Town Council may impose. Said applicant shall commence said construction within sixty (60) days and shall complete the same in compliance with the application as approved by the Town Council within six (6) months after said Town Council shall have approved the application.
 - (G) Upon the completion of the park as aforesaid (but in no event not more than six (6) months from the date of the approval by the Town Council, otherwise such approval of said Town Council and all the rights of the applicant hereunder shall expire), the applicant shall file the following with the Town Clerk:
 - (1) A certification signed by the applicant that he has complied with the decision of the Town Council and the requirements of this Ordinance.
 - (2) A certificate of the Health Officer of the Town of Glocester certifying that he has examined the site and that the applicant has complied with the decision of the Town Council and all of the requirements of this Ordinance.
 - (3) A certificate of the Department of Health of the State of Rhode Island, or such other

department or agency of the State of Rhode Island having jurisdiction over matters of health and sanitation, certifying that the site has been examined by said department and that the applicant has complied with the laws of the State of Rhode Island and the regulations of all agencies having jurisdiction over matters of health, sanitation and such Parks.

- (4) Pay to the Town Clerk a license fee of Two Hundred (\$200.00) Dollars, which fee shall cover the period from the time of issuance of the license to December 31st next after the issuance of the license. All such licenses shall be renewed between December 15th and December 31st of each year, and the renewal fee for such license shall be Two Hundred (\$200.00) Dollars per year.
- (5) In addition to the payments of the fee hereinabove prescribed for the original license and for each renewal thereof, the licensee shall pay the sum of Thirty (\$30.00) Dollars for every trailer stationed, erected or maintained in said park.
- (H) Upon filing of the Certifications and the payment of the license fees pursuant to subsection G hereinabove, the Town Clerk shall issue a license to the applicant (or the annually renewed license as the case may be).

SECTION 4. General Requirements for Operation of a Mobilehome Park or Trailer Park.

- (A) A mobilehome park or trailer park shall be located on a site graded to insure drainage of surface and sub-surface water, sewerage, and freedom from stagnant pools.
- (B) A minimum lot size of ten thousand (10,000) square feet shall be provided for each mobilehome or trailer lot of space, but in no event shall there be more than four (4) mobilehome or trailer lots per acre of land of the licensee.
- (C) There shall be a minimum of 20 feet clearance between each mobilehome or trailer.
- (D) All mobilehome or trailer lots shall abut on a roadway of not less than 30 feet in width where off-road parking is provided or 40 feet where no off-road parking is provided.
- (E) All roads within any Park shall be well drained, provided with gravel or hard surface, and shall be maintained in good condition by the owner or licensee of the Park.
- (F) No mobilehome or trailer shall be located closer than 40 feet from the traveled portion of any public highway.
- (G) Street lights of not less than 1000 lumens each shall be installed at intervals of not more than 300 feet apart in any Park.
- (H) Each licensee shall keep, or cause to be kept, a register in which the following information shall be recorded forthwith upon letting of each mobilehome or trailer lot:
 - (1) The full name of the mobilehome or trailer owner.
 - (2) The number of persons occupying each trailer and the names thereof.
 - (3) The make, model, size, serial and license numbers and year of manufacture of each mobilehome or trailer stationed, maintained, or registered on the premises of the licensee.
 - (4) State of registration and registration number of each trailer and auto used to transport or pull each such trailer.
- (I) At the time each licensee shall apply for a renewal of any license issued pursuant to this Ordinance, all of the information required by Section H herein above shall be furnished to the Town Clerk, and the Town Clerk shall not issue any renewed license until and unless such information shall be

furnished to him, and said Town Clerk shall thereupon forward to the Board of Tax Assessors of the Town of Glocester a duplicate copy of said information.

- (J) No license for a mobilehome park or trailer park shall be transferable by sale or otherwise by the holder thereof to the Licensing Authority, and the Town Council may, in its discretion, permit such license to be transferred to another person, but in all cases, said Licensing Authority shall, before permitting such transfer, give notice of and conduct a public hearing on the application for such transfer.

Said notice shall be published at least once in a newspaper published in the County of Providence and at least seven (7) days in advance of said public hearing, and said notice shall give the name of the licensee, the name under which the Park is operated and its address, the local Tax Assessor's identification by Plat and Lot number, and the name and address of the prospective transferee.

The application for a transfer shall be accompanied by the payment of a fee of \$25.00. The Licensing Authority may deny the application for transfer if, in its sole discretion, said transfer shall not be in the best interest of the Town of Glocester.

- (K) No mobilehome park or trailer park heretofore located in the Town of Glocester, Rhode Island, or hereafter established in the Town of Glocester, Rhode Island, shall be expanded at any time, or in any manner whatsoever, to accommodate any additional mobilehomes or trailers than shall be presently occupying the premises (in the case of a mobilehome park or trailer park in existence at the time of adoption of this Ordinance), or upon the original Plot Plan as submitted with the original application and as acted upon by the Town Council (in the case of such mobilehome parks or trailer parks as may subsequently be established in accordance with this Ordinance), except upon application to the Town Clerk for expansion thereof by the Licensee for action thereon by the Town Council, and such application shall be accompanied by a new Plot Plan, showing the extent of the proposed expansion.

The Town Clerk shall, within ten (10) days thereafter, transmit to the Planning Board the said application and accompanying information for study and recommendation to the Town Council. The Planning Board of the Town of Glocester, Rhode Island, shall within sixty (60) days after receipt of the application and accompanying information from the Town Clerk, return to the Town Clerk for action thereon by the Town Council, the application and accompanying information together with the recommendation of said Planning Board.

SECTION 5. Sanitary Requirements for Operation of Mobilehome Parks or Trailer Parks.

An adequate supply of potable water with a minimum of 25 lbs. per square inch pressure at all times shall be provided for each mobilehome or trailer space or lot. The water source shall be capable of producing 300 gallons of potable water per mobilehome or trailer lot per day from a source approved by the Health Officer of the Town of Glocester, Rhode Island.

- (A) No part of the sewerage disposal leaching field system shall be located within 80 feet of any mobilehome or trailer park well water supply.
- (B) Where the sewer lines of a mobilehome park or trailer park are not connected to a public sewer, the means of disposal of all sewerage shall be approved by the State Board of Health.
- (C) Each mobilehome or trailer lot shall be provided with an electrical connection approved by the

Building Inspector of the Town of Gloucester.

- (D) Licensees shall furnish at least one suitable refuse can with tight-fitting cover for each occupied mobilehome or trailer lot, or use any approved collection method in accordance with the State Health Sanitation Laws. Refuse shall be collected and removed regularly and in such manner that no nuisance shall be maintained, and it shall be the responsibility of each licensee to maintain proper sanitary conditions with respect to waste and refuse disposal.

SECTION 6. Individual Mobilehomes or Trailers.

- (A) No person, under any circumstances, shall maintain, establish, station or park a mobilehome or trailer for dwelling or other purposes on any property within the Town of Gloucester, Rhode Island, except in a duly established mobilehome park or trailer park as herein constituted.
- (B) Any individual mobilehome or trailer park maintained or established and duly licensed at the time of the adoption of this Ordinance shall be permitted to be maintained on its present site until the same shall be removed, and thereafter no mobilehome or trailer may be re-established on said site, or any other site except as provided in this Ordinance. Provided, however, that any licensee maintaining an individual mobilehome or trailer within the Town of Gloucester, Rhode Island, at the time of the adoption of this Ordinance, shall annually renew his license between December 15th and December 30th of each year, and shall pay to the Town Clerk the sum of Five (\$5.00) Dollars for each such renewal, and provided, further, however, that no such license for any individual mobilehome or trailer as may have been previously issued shall be transferable to any other person for any reason.
- (C) Flood Hazard Areas. The following requirements shall apply to any mobilehome or house trailer park; any expansion to an existing mobilehome or house trailer park; or any existing mobilehome or house trailer park where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction has commenced; and which is located wholly or in part within Zone A and Zones AI-30 as identified on the Flood Insurance Rate Map as part of the Flood Insurance Study which also includes the Flood Boundary and Floodway Map.
Said maps and any amendments thereto are hereby made part of this section of these regulations:
 - (1) Stands on lots must be elevated on compacted fill or pilings so that the lowest floor of the mobilehome or house trailer will be at or above the base flood level.
 - (2) Adequate surface drainage and access for a hauler must be provided; and
 - (3) In the instance of elevation on pilings, lots must be large enough to permit steps, piling foundations must be placed in stable soil no more than ten (10) feet apart, and re-enforcement must be provided for pilings more than six feet above ground level.

SECTION 7. Denial of Applications.

- (A) After public hearing upon an application for an original license, a transfer of any license, or expansion of any Park, the Licensing Authority may deny any such application if, in its sole and uncontrollable discretion, the approval of such application would not be in the best interest of the use of the land, the neighboring land, or the community as a whole.

SECTION 8. Enforcement and Violations.

- (A) Any license issued by the Licensing Authority may be revoked by said Licensing Authority for violation by the Licensee of any provisions of this Ordinance or for other cause shown, and any person who shall violate any provision of this Ordinance shall also be subject to prosecution and upon conviction, shall be fined not more than One Hundred Dollars (\$100.00) for each offense. Each day any violation shall continue, shall be deemed a separate and distinct offense.
- (B) The provisions of this Ordinance may be enforced in the same manner as the Town Zoning Ordinance. All actions brought on behalf of the Town shall be brought in the name of the Town by the Zoning Inspector, the Police, or any other authorized Town Official. The provisions of this Ordinance may also be enforced by criminal prosecution, injunctive relief, or any other legal or equitable relief in a court of proper jurisdiction. All fines collected as a result of any such action shall be paid to and become part of the General Funds of the Town.

SECTION 9. Severability.

- (A) If any clause, provision or requirement of this Ordinance be declared invalid, such action shall not affect the validity of any other clause, provision or requirement hereof.

SECTION 10. Existing Licenses.

- (A) All provisions of this Ordinance shall apply to existing mobilehome parks or trailer parks, and all licenses in existence at the time of the adoption of this Ordinance shall continue in effect until December 31st next after the adoption of this Ordinance, at which time all such licenses will expire and shall be renewable only in accordance with the provisions of this Ordinance.

SECTION 11.

No trailer shall be permitted until the licensee obtains a trailer placement permit from the Building Inspector. The cost of said permit will be \$10.00 per trailer.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by Town Council May 14, 1965; AMENDED November 12, 1965; AMENDED April 11, 1974; AMENDED July 14, 1978; AMENDED August 9, 1979; AMENDED May 12, 1988; CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-12-14

**AN ORDINANCE REGULATING THE LICENSING AND
CONDUCT OF YARD SALES, SO-CALLED**

SECTION 1.

Any Town resident desiring to conduct a yard sale, so-called, shall apply to the Town Clerk for a license for same, during normal business hours prior to such yard sale. For the purposes of this Ordinance, a yard sale shall include so-called yard sales, garage sales, lawn sales, or similar sales, and, in addition to other provisions herein, shall be defined as the conduct of a sale of typically second-hand personal, household and/or garden property or items, which are in the possession of the resident applicant. A resident to whom a license for a yard sale has been issued shall not invite or permit merchants or other vendors to sell or offer to sell merchandise or other items at said yard sale, nor shall food be sold on the premises of said yard sale.

SECTION 2.

The license applicant shall state his name and residence together with the date and location of the intended yard sale, so-called.

SECTION 3.

The Town Clerk shall issue a license to a resident so applying and said resident shall pay to the Town Clerk a fee of Five (\$5.00) dollars, provided however, that no more than three (3) such licenses shall be issued in one calendar year to any one (1) resident or for each unit in a multi-family dwelling.

SECTION 4.

Anyone to whom a license is issued in accordance with this Ordinance, shall be allowed to place a sign advertising said yard sale, so-called, on the premises in question no larger than 12 square feet, and said sign shall not be placed on the premises earlier than seven (7) days prior to the date scheduled for the yard sale, so-called, and must be removed at the conclusion thereof. Such signs shall be non-illuminated and non-electric.

SECTION 5.

The yard sale, so-called, for which a license is issued, shall be limited to the hours between 8:00 a.m. and 7 p.m. on the date for which said license is issued.

SECTION 6.

Non-profit organizations, which file an application with the Town Clerk at least seven (7) days before such sale, signed by at least one officer thereof, shall be exempt from the provisions of this Ordinance.

SECTION 7.

Any violation of this Ordinance, shall be punishable by a fine not to exceed One Hundred and 00/100 (\$100.00) Dollars for each offense.

SECTION 8.

This Ordinance will take effect upon its passage and publication as required by law. ADOPTED: Apr. 17, 1997, EFFECTIVE: May 13, 1997.

Barbara E. Robertson, CMC Town Clerk

History of Ordinance: ADOPTED by the Town Council August 13, 1976; AMENDED May 12, 1988;

CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992; AMENDED April 17, 1997 and EFFECTIVE May 13, 1997.

**SECTION 14
RECORDS**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-14-01

RECORDS RETENTION ORDINANCE

| <u>Record Series No.</u> | <u>Record Series Title&Description</u> | <u>Retention</u> |
|--------------------------|--|------------------|
| ARTICLE 1. | MEETINGS & HEARINGS | |

SECTION 1. Accounts of the proceedings and actions of any board, commission or council.

May include notices of meetings, warrants, agendas, meeting dockets, roll call, official minutes, claims, correspondence, complaints, licenses, applications, bids, blueprints, petitions, waivers, reports, legal opinions, financial studies, budgets, election certificates, tallies and returns, declarations, recommendations, special local legislation, amendments to council rules, ordinances and resolutions, background papers and supporting documentation.

| | | |
|----|-------------------------|---|
| a. | Council Meetings | Permanent; Microfilm annually; store master film off-site |
| b. | Board Meetings | Permanent |
| c. | Commission Meetings | Permanent |
| d. | Committee Meetings | Permanent |
| e. | Business Meetings | Permanent |
| f. | Special Meetings | Permanent |
| g. | Financial Town Meetings | Permanent |
| h. | Work Sessions | Permanent |
| i. | Executive Sessions | Permanent |
| j. | Hearings | Permanent |

- | | | |
|----|---|--|
| k. | Recordings/Tapes/Stenographers Notebooks Recordings/notes meetings and/or hearings. | Destroy six months after of transcription and approval of minutes or proceedings |
|----|---|--|

Note: If recordings, tapes or notebooks are not transcribed, they must be retained permanently.

- | | | |
|-----|--|--|
| 1. | Regulatory Matters Includes local legislation in which the municipality has an interest or has been involved. | |
| 1.1 | Ordinance: Adopted May include lists of all ordinances, ordinance number and ultimate decision. | Permanent Microfilm annually; store master film off-site |

Note: Maintain certified copy of all official ordinances in a separate ordinance file.

- | | | |
|-----|--|--|
| 1.2 | Ordinances: Not Adopted May include lists of all proposed ordinances, the proposer (e.g.. dept., board, ward, councillor), ordinance number and ultimate decision (e.g. adopted, changed, withdrawn, in committee indefinitely). | Ten years; then review |
| 1.3 | Resolutions: Adopted May include lists of all resolutions, resolution number and ultimate decision. | Permanent Microfilm annually; store master film off-site |

Note: Maintain certified copy of all official resolutions in a separate resolution file.

- | | | |
|-----|---|------------------------|
| 1.4 | Resolutions: Not Adopted May include lists of all proposed resolutions, the proposer (e.g. dept., board, ward, councillor), resolution number and ultimate decision (e.g. adopted, changed, withdrawn, in committee indefinitely). | Ten years; then review |
| 1.5 | Local Rules and Regulations: Adopted May include sets of rules and regulations that govern a particular aspect of municipal development on the local level. | Permanent |
| 1.6 | State Legislation: Proposed | Ten years; then review |

May include local constituency requests to amend or change existing state laws.

- | | | |
|-----|--|-----------------------------------|
| m. | Appointments May include lists of boards, commissions, committees or councils, notices of appointments and resignations, lists of members with terms and dates of appointment and the code or executive order establishing the local board, commission, committee or council. | Permanent |
| n. | Correspondence Often referred to as General Correspondence or General Administrative Files. | |
| n.1 | Correspondence - Routine Nature | Retain current year plus one year |
| n.2 | Correspondence - Special | Retain current year plus one year |

SECTION 2 EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication as required by law.

ADOPTED by the Town Council, September 16, 1993, EFFECTIVE October 13, 1993.

ARTICLE II PERSONNEL AND PAYROLL RECORDS

SECTION 1. PERSONNEL FILES

| | |
|---|--|
| Including, but not limited to: -Employee's chronological records and pay history (hire dates, date of promotions, salary increases, transfers, change of status, separation). -Application (CS-14) and supporting documentation, security clearance, and resume. -Employee physical examinations and medical history. (Not including insurance claims). -Personal information forms. -Training and testing records (summary). -Commendations and evaluations. -Job descriptions (if a permanent copy is not | Retain until employee transfer or separation, then return to Division of Personnel Administration for review. Permanent Personnel master file maintained by Division of Personnel Administration. All originals must be in Master File. Review annually and shred unnecessary documents |
|---|--|

kept elsewhere).
-Employee termination records.

(See following retention periods for the individual records series).

| | | |
|-------------|---|---|
| SECTION 1.1 | Unsuccessful Applicants and Hiring Records | Retain 2 years after successful applicant hire date, then shred. |
| SECTION 1.2 | Personnel Request Files | Retain 2 years after position filled or request withdrawn, then destroy. |
| SECTION 1.3 | Personnel Action Forms | Retain 4 years, then shred if information summarized in employee work and pay history. Shred duplicate copies at discretion. |
| SECTION 1.4 | Evaluation and Performance Reviews (See also Termination Records-Fired Employee) | Retain 2 years then shred if evaluations not kept current on an annual basis. If evaluated at least annually retain 5 years, then shred. |
| SECTION 1.5 | Letter of Reprimand (See also Termination Records-Fired Employee) | Shred after 1 year of acceptable performance. If reprimand is advance notice of resulting termination or grade reduction, retain 10 years, then shred. (Transfer file to Division of Personnel |

| | | |
|--------------|--|--|
| | | Administration after termination). |
| SECTION 1.6 | Grievance Records (See also Termination Records-Fired Employee) | Retain 3 years after case closed, then shred. If grievance is result of termination or grade reduction, retain 10 years, then shred. |
| SECTION 1.7 | Probationary Reports (See also Termination Records-Fired Employee) | Retain 3 years, then shred. |
| SECTION 1.8 | Incentive Program and Training Records | Permanent. Or microfilm and destroy after film inspected and approved. |
| SECTION 1.9 | Labor Relations Records | Retain 5 years after last activity, then destroy. |
| SECTION 1.10 | Termination Records - Fired Employee Documentation of work performance, disciplinary actions, and grievance procedures. (See also Personnel File) | Retain 10 years after final action, then shed. (Litigation possible for unjust cause for 10 years). |
| SECTION 1.11 | Affirmative Action/Equal Employment Opportunity Guidelines and Plans | Retain 2 years after superseded then destroy. |
| SECTION 1.12 | Discrimination Complaint Case Files Case files on charges of discrimination or charges brought by EEOC or AG. | Retain 3 years after final disposition of charge or action, then shred. |
| SECTION 1.13 | Accident and Injury Reports and Logs (See also Insurance Claims) | Permanent. Or microfilm and shred after film inspected and approved. |

| | | |
|--------------|--|---|
| SECTION 1.14 | Employee Exposure and Medical Records | Permanent. Or microfilm and shed after film inspected and approved . (X-Rays must be retained permanently.) |
| SECTION 1.15 | State and Local Government Information Report EEO-4 | Retain 3 years from filing date then destroy. |
| SECTION 1.16 | CETA Participants Records Personnel files on CETA employees. | Retain 5 years after enrollment, then shred. |
| SECTION 1.17 | CETA Program Records | Retain 3 years from last annual expenditures report, then destroy. |
| SECTION 1.18 | Job Corp Participants Records Corps members individual files. (See also Deceased Job Corps Participants Records.) | Within 5 days of termination, transfer to Employment Training Act (ETA) regional office. Purge extraneous materials, statements from courts and correctional institutions, and counseling records before transferring file. |
| SECTION 1.19 | Job Corps Participants Counseling Records | Retain 6 months after termination, then shred. |
| SECTION 1.20 | Deceased Job Corps Participants Records | Transfer to Job Corps National Health Office. |
| SECTION 1.21 | Job Corps Program Records | Retain until audited, then destroy. |
| SECTION 2 | PAYROLL RECORDS Documents relating to agency payroll. Included are payroll adjustment forms exceptional hours reports, payroll | Retain 4 years, then destroy. If adequate personnel records are not available, retain |

registers, payroll adjustments, payroll distribution and analysis register. summary form of payroll records permanently.

| | | |
|-------------|--|----------------------------------|
| SECTION 2.1 | Employee Time Sheets and Time Cards | Retain 4 years, then destroy. |
| SECTION 2.2 | Sick Leave Records | Retain 4 years, then destroy. |
| SECTION 2.3 | Vacation/Annual Leave Requests and Records | Destroy at discretion of agency. |
| SECTION 2.4 | Personnel Sign-out File | Retain 4 years, then destroy. |
| SECTION 2.5 | Personnel Absentee File | Retain 4 years, then destroy. |

SECTION 3. EFFECTIVE DATE

This amendment shall take effect upon its passage and publication as required by law.

ADOPTED by the Town Council, August 21, 1997, EFFECTIVE September 18, 1997.

ARTICLE III PUBLIC WORKS, INCLUDING ENGINEER, AUTOMOTIVE, HIGHWAY AND MAINTENANCE, RECYCLING AND SANITATION, WATER, PARKS AND RECREATION.

SECTION 1. AUTOMOTIVE, HIGHWAY, AND MAINTENANCE

| | | |
|-------------|---|------------------------|
| SECTION 1.1 | Work/Repair Requests and Complaints Requests for work or repairs initiated by citizens complaint or by internal request. Data may include name and number of complainant or requester, location and type of work to be performed, dates and times of receipt and response. May include vehicle service requests. | Retain three (3) years |
| SECTION 1.2 | Work/Repair Orders Record of work performed and completed. Data may include date(s), time(s), order number, location, description of work, authorization, names of persons | Retain three (3) years |

performing work, itemized labor, equipment and material information. May include vehicle repair/service work and gas cut-off orders.

| | | |
|--|---|--|
| SECTION 1.3 | <p>Work Order Logs</p> <p>Summary record of work orders received and completed. May include work order number, job description, date started and completed.</p> | Retain three (3) years. |
| SECTION 1.4 | <p>Vehicle Records</p> <p>Records relating to each vehicle owned and/or by Public Works. May include title, registration, inspection, maintenance, check-lists, repair, and incident reports.</p> | Retain one (1) year after disposal of serviced vehicle and completion of successful audit. |
| SECTION 1.5 | <p>Vehicle Inspection Sheets</p> <p>Checklists for vehicles, mechanical systems, and equipment. May include equipment number, operator, date, checklists, fuel consumed and mileage.</p> | Retain two (2) years |
| SECTION 1.6 | <p>Accident Files</p> <p>Record of accidents sustained by persons or properties. May include police reports, witness statements, reports, memoranda, diagrams, photographs or other related documentation.</p> | Retain three (3) years unless in litigation. |
| <p>Note: If minor involved, retain three (3) years after minor reaches the age of eighteen (18) years.</p> | | |
| SECTION 1.7 | <p>Fuel Slips</p> <p>Slips recording individual fuel intake. Data may include vehicle number, type, driver, meter readings, gallons of fuel, oil, or antifreeze received.</p> | Retain until successful audit plus one (1) year. |
| SECTION 1.8 | <p>Fuel Summaries</p> <p>Record of daily, weekly, or monthly fuel disbursed. May include type of fuel dispersed, pump location, meter or stick readings, gallons delivered, and total gallons consumed. May also indicate oil and antifreeze disbursal.</p> | Retain until successful audit plus one (1) year. |
| SECTION 1.9 | <p>Traffic Light Files</p> | Retain diagrammatic |

Record of traffic lights department is responsible for maintaining and servicing. May include intersection/signal diagrams, specifications, schematics, work and repair orders. records during functional life of signal. Destroy maintenance records after three (3) years.

SECTION 1.10 Snow Plow Files Retain until updated, superseded, or obsolete.
 Records relating to snow plow routes and activity.
 May include maps, routes, correspondence, logs, crew lists, or other documentation relevant to snow removal.

SECTION 1.11 Tree Files Retain three (3) years.
 Records of tree maintenance, planting, and removals. May include correspondence, removal or planting schedules, copies of agreements, reports, proposals, pamphlets, maps, grant information, and records on pesticide use including public hearing notices and copies of applicators' licenses and certifications.

SECTION 2. RECYCLING AND SANITATION

SECTION 2.1 Recycling/Solid Waste Invoices Retention three (3) years.
 Record of invoices/receipts from Rhode Island Solid Waste Management Corporation, oil waste depositories, or other facilities accepting recyclable materials or solid waste.

SECTION 2.2 Recycling Logs Retain one (1) year.
 Record of materials (metals, yard waste, oil, antifreeze) transported to the municipal recycling center. Data may include names of residents using facility, addresses, date, materials delivered, and vehicle registration number.

SECTION 2.3 Compost Tabulations Retain three (3) years.
 Record of temperature or triangular tabulations of yard waste compost at the municipal facility.

| | | |
|-------------|---|---|
| SECTION 2.4 | <p>Container Distribution Record</p> <p>Listing of municipal residents receiving recycling containers. Data may include name, address, phone number, date delivered, and reason for distribution (new, lost, broken).</p> | <p>Retain until updated, superseded, or of no administrative value</p> |
| SECTION 2.5 | <p>Trash Can Replacement Receipts</p> <p>Record of residential trash can replacements. Data may include signature verifying receipt/delivery, date delivered, and reason for replacement.</p> | <p>Retain three (3) years.</p> |
| SECTION 2.6 | <p>Educational Material</p> <p>Educational and reference materials on recycling for distribution. May be in the form of news-letters, pamphlets, or flyers.</p> | <p>Retain until updated, superseded, or of no administrative value.</p> |
| SECTION 2.7 | <p>Sanitation Files</p> <p>Records relating to sanitation truck routes and activity. May include maps, routes, correspondence, newspaper clippings of public notices, tonnage reports, logs, and crew lists.</p> | <p>Retain until updated, superseded, or obsolete.</p> |
| SECTION 2.8 | <p>Landfill Records</p> <p>Records relating to municipal landfill operation. May include certificates of insurance, ground water samples/analysis, EPA screening site inspection, DEM preliminary assessments, plans relating to engineering, operating, contingency, sedimentation, erosion control, and closure, Hydrogeological reports, monitoring logs, CERCLIS documentation, and site access agreements.</p> | <p>Permanent.</p> |

SECTION 3. ENGINEERING

| | |
|-------------|--|
| SECTION 3.1 | <p>Plans, Maps, and Drawings</p> <p>Plans, drawings, and maps including but not limited to, survey and plat, tax assessment, layout and grade, sanitary sewers, zoning, easements, landfills, subdivisions, traffic control, water, fire lanes, and municipal buildings.</p> |
|-------------|--|

| | | |
|-------------|---|---|
| | a) Original or record copy. | Permanent. |
| | b) Reference copies. | Retain until updated, superseded, or of no administrative value. |
| SECTION 3.2 | Plans, Maps, and Drawings Registers Log or register of plans, drawings, or maps received or submitted. Data may include drawing number, date submitted, street name, plat number, and location. | Permanent. |
| SECTION 3.3 | Field Books Engineering field measurements, sketches, and diagrams including, but not limited to, elevations, distance, bench marks, ridges, easements, drainage, ponding, and core test holes. | Permanent. |
| SECTION 3.4 | Bench Mark Books Record of bench mark locations including elevations. | Permanent. |
| SECTION 3.5 | Indices Location and cross reference systems devised and maintained for the purpose of retrieving plans, drawings, maps, or other records. | Purge with related plan, drawing, map, or record. |
| SECTION 3.6 | Street History Records On-going, cumulative street reference records documenting street actions and activity. Records may include references to and citations of land evidence records, orders, resolutions, and minutes of Town Council, adoptions and abandonments, grading, paving, sidewalks, surveys, plat references, copies from maps and field books, copies of petitions, covenants, and public notices, lists of property owners, correspondence, and memos. | Purge obsolete records and records of no further administrative value after five (5) years. |
| SECTION 3.7 | Paving Records Record of street paving work. Data may include street name, job summary, firm, | Purge obsolete records and records of not further administrative |

contract number, widths, lengths, and areas, value after five (5) years intersection data, work details, inspection dates, diagrams, elevations, grade, and curbing.

SECTION 3.8

Sewer and Water Assessment Records

Records relating to sewer and water connection assessments for tax purposes. May include location diagrams, inspection, measurements, abatements, and data on previous assessments.

a) If pertinent data is recorded in/transferred to another record or information is held by municipal Tax Assessor. Retain one (1) year.

b) Not recorded or held elsewhere.

Retain as long as property connected to system.

SECTION 3.9

Sewer Location and Connection Records

Records detailing sewer connections for individual properties and/or municipal sewer system. Includes location, diagram, and address. May include system specifications, requests for location of sewer connections, surveys, sketches, inspection and work reports, and dye test requests and reports.

Retain as long as system is in existence.

SECTION 3.10

Grant of Easement Files

Grant of easement records for legal permission to conduct work on private property, including, but not limited to, laying, constructing, maintaining, operating, repairing and servicing water and sewerage pipes, mains, drains, signs, and utilities. May include descriptions of easement area, diagrams, plans, agreement, memos, correspondence, and property disposition.

(a) Original or record copy - signed and witnessed.

Permanent.

(b) Duplicate copies.

Retain until of no administrative

value

Note: Original or record copy may be held by Town Solicitor or other municipal official.

| | | |
|--------------|--|---|
| SECTION 3.11 | Subdivisions and Land Development Project Files Records documenting property subdivisions. May include site plan review and subdivision check list, inspections, diagrams, plans, drawings, specifications, memos, and analysis. | |
| | (a) Documents which form part of the original or record copy of the application records. | Permanent. |
| | (b) Duplicates and denied applications. | Retain until of no administrative value. |
| SECTION 3.12 | Bridge Files Cumulative history file for individual bridges. May include memos, correspondence to/from departments of state and contractors, news paper clippings, reports, plans, and specifications, materials lists, excavation permits, Bridge deficiency and inspections reports. | Purge obsolete records and records of no administrative value after five (5) years. |
| SECTION 3.13 | State Regulatory Agency Files Records documenting compliance with state requirements such as coastal resources management and freshwater wetlands. May include copy applications for state assent to perform work, requests for preliminary determinations, wetlands determinations, complaints, notices of violations, plans/maps, assents, notices of public hearings, correspondence, and memos. | |
| | (a) Records relating to projects and development on municipal owned property. | Retain three (3) years after work completed. |
| | (b) Copies of records relating to projects and development on private property within municipal jurisdiction. | Retain one (1) year after work completed. |

SECTION 4. WATER

| | | |
|-------------|---|---|
| SECTION 4.1 | Water Service and Valve Location Records Records detailing water service connections for individual properties and/or municipal water system. Includes location, diagram, address, type, date connection laid, lengths, make, size, curb stop, main, or gate valve. | Retain as long as system is in existence. |
| SECTION 4.2 | System Monitoring Charts Graphs monitoring municipal water distribution system including flow rates, pressure, and elevation. | Retain five (5) years. |
| SECTION 4.3 | Water Readings Logs Log of water readings at individual pumping and meter stations. Data may include date, time, reading, number of gallons per minute, readers name, and remarks. | Retain five (5) years. |
| SECTION 4.4 | System Repair and Maintenances Records Record of work performed and completed on individual water meters, connections, and mains. May include meter number, manufacturer, readings, job descriptions, name, telephone number, location, size and service number. | Retain three (3) years. |
| SECTION 4.5 | Water Testing Records Records of water testing and analysis conducted on water system. Records may include, but are not limited to, water testing records, laboratory certificates of analysis, microbiological and other result reports, water supply summary sheets, sample site identification and certifications, lead and copper results, sample analysis reports, and Department of Health result and standard | |

reports.

- (a) Bacteriological analysis and microbiological examinations. Retain five (5) years.
- (b) Chemical analysis, organic and inorganic chemical, radiological, and turbidity analysis. Retain ten (10) years.
- (c) Lead and copper analysis. Retain twelve (12) years.
- (d) Corrosion control sampling. Retain twelve (12) years.
- (e) Source water treatment. Retain twelve (12) years.
- (f) Records of action taken to correct violations of primary drinking water regulations. Retain three (3) years after last action taken with respect to the particular violation involved.
- (g) Records relating to sanitary surveys of the system. Retain ten (10) years after completion of the survey.
- (h) Records relating to variances granted. Retain five (5) years following expiration of variance or exemption.

SECTION 4.6 Water Management Plans Permanent.
Plans mandated by RI general law and regulated by state agencies. Plans may include, but are not limited to Water Supply Management Plan, Infrastructure Replacement Component, Water Quality Protection Plan, and Wellhead Protection Plan.

SECTION 4.7 Water Service Applications and Agreements Retain as long as
Applications and agreements for water service service is in effect.
and supply. Data may include name, address, plat and lot numbers, district, service, and meter numbers. Signed agreement of terms and

service may act as contract.

| | | |
|-------------|--|-----------------------|
| SECTION 4.8 | Meter Reading Books Record of water usage for individual customers. Includes date of reading, reading figures, water consumed, meter number, size, manufacturer, owner, address, and service number. | Retain six (6) years. |
|-------------|--|-----------------------|

Note: Records relating to water consumption, billings, and sales shall be kept six years with respect to collection of the water quality protection charge.

| | | |
|-------------|---|----------------------|
| SECTION 4.9 | Meter Reading Drop Off Cards Water use cards filled out by individual customers. Data includes date, meter reading and service number. | Retain one (1) year. |
|-------------|---|----------------------|

| | | |
|--------------|---|-----------------------|
| SECTION 4.10 | Water Quality Protection Charge Exemption Applications Applications for exemption from the water quality protection charge by elderly and commercial agricultural water users. | Retain six (6) years. |
|--------------|---|-----------------------|

SECTION 5. PARKS AND RECREATION

| | | |
|-------------|--|---|
| SECTION 5.1 | Recreation Program Records Records relating to programs and activities sponsored or developed by the Parks and Recreation Department. Records may include, but are not limited to, sports programs, including soccer, tennis, softball, baseball, ice skating, and basketball, aerobic programs and classes, road races, arts and recreational activities for children with special needs, charitable events, raffles, day camp enrollment, luncheons, and picnics. May include player rosters, sponsor forms, practice notices, schedules, permission slips, drop out forms, worker lists, sponsor lists, brochures, flyers, correspondence and memos. | |
| | a) Registration forms - also called approval forms, enrollment forms and permission slips. May include disclaimer, consent, parent or | Retain three (3) years after minor reaches the age of eighteen (18) |

| | | |
|-------------|---|--|
| | guardian signature, emergency medical and surgical treatment forms, and medical information. | years. |
| | b) Travel permits. | Retain three (3) years unless in litigation. |
| | c) One copy of program/promotional literature and any related photographs. | Permanent. |
| | d) Other program records. | Retain three (3) years after program/activity terminated/completed. |
| SECTION 5.2 | Games of Chance Copies of applications and financial reports submitted to the Rhode Island State Police, Charitable Gaming Unit. | Retain until successful audit plus (1) year. |
| SECTION 5.3 | Coach/Instructor/Lifeguard Records Records relating to instructor, lifeguard, or coaches' certification and training. May include volunteer coach registrations forms, National Youth Sports Coach Association (NYSC) certifications, rosters, and copies of clinician exams, reference and training videos, newsletters, correspondence, and memos. | Retain until updated, superseded, or of no further administrative value. |
| SECTION 5.4 | Recreation Facility Records Records relating to maintenance, compliance and monitoring of municipal facilities including beaches, pools, ice skating rinks, arenas, and athletic fields, Records may include but are not limited to Department of Health or DEM inspections for air quality, and sanitation, micro biological and chemical testing and monitoring reports, facility applications, licenses, and inspections. | Retain three (3) years. |
| SECTION 6. | ADMINISTRATION General Office Administration Records Fiscal Records Reference Records | See Records Retention Article I. |

Personnel Records See Records Retention
Payroll Records Article II.

SECTION 6.1

Project/Program Files

Cumulative files documenting the development of programs and projects. May include studies, questionnaires, project descriptions, specifications, correspondence, proposals, memoranda, meeting minutes, press releases, maps, plans, bid registers, requests for bid or proposals, subcontractor lists, inspection reports, municipal resolutions, cost estimates, and reports.

- (a) Completed projects/programs Permanent - one record copy.
- (b) Abandoned projects/programs. Retain three (3) years.

SECTION 6.2

Grant Files

Records relating to the development of grant proposals to state or federal agencies and the administration of grant awards and programs. Records may include, but are not limited to, grant applications and agreements, studies, notices technical specification, drawings, plans, bid and contract records, accounting, banking, purchasing, and payroll records, bonds, monitoring and performance reports, expenditure and outlay reports, memoranda, and correspondence.

- (a) Grant applications and amendments, final performance, disposition and expenditure reports. Permanent.
- (b) Financial and programmatic records, periodic performance reports, supporting documents, statistical records, other required and pertinent records. Retain three (3) years from submission of close-out and final expenditure report or submission of annual financial status report for grants renewed annually.
- (c) Real property and equipment records. Retain three (3) years

from the date of disposition, replacement, or transfer of property/equipment.

(d) Income transaction records (earning of income) after grant support. Where required by the terms of the grants. Retain three (3) years from the end of fiscal year in which the income is earned.

(e) Unsuccessful grant application. Retain three (3) years.

Note: If any litigation, claim, negotiation, audit or other actions has been started before the expiration of the 3 year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the 3 year period, whichever is later.

SECTION 6.3

Bid Files

Record of contract bids. May include bid requests, resumes, specifications, proposals, cost quotes, product literature, correspondence, public notice of invitation to bid, copies of requisitions for purchase orders or similar relevant documentation.

(a) Successful bids or negotiated awards. Transfer with supporting documentation to Contract Files 6.4

(b) Unsuccessful bids. Retain three (3) years.

SECTION 6.4

Contract Files

Record of winning contract awards. May include bid and contract papers, notice of contract award, subcontractor lists, copies of bonds, bid requests, specifications, correspondence, copies in invoices, insurance certificates.

(a) Original or record copy. Retain until termination of contract and successful audit, plus one (1) year.

(b) Duplicates. Retain until termination of contract.

Note: Municipal Purchasing Officer may retain original or record copy.

SECTION 6.5 Surplus Property Records Retain three (3) years after property returned or disposed of.
 Records relating to United States Government, General Services Administration property donated/transferred, or issued to the municipality, department or its divisions. Includes application/agreement forms, property transfer forms, disposal forms, issue sheets, compliance forms, reports, insurance records, correspondence and memos.

SECTION 6.6 Backcharges Retain until successful audit plus one (1) year.
 Record of charge back accounts/billings to other departments for work performed. Includes receipts.

SECTION 6.7 Building/Land Use Request Forms Retain three (3) years.
 Requests for use of municipal buildings or lands for public or private events. Data may include name and address of contact person, phone number, date and type of event, hours requested, name of custodian on duty, and terms and conditions of use.

Note: Any rental agreement issued by the department or its divisions which acts as a signed agreement on terms and conditions of use should be kept as long as the agreement remains in effect.

SECTION 6.8 Work Assignment Logs Retain three (3) years.
 Summary record of personnel and work assignments. May include route number, vehicle number, listing of drivers and crew members, and type of work to be performed. May be listed by divisions: sanitation, highway, maintenance, snow plow routes, water and engineering.

SECTION 6.9 Utility Agreements Retain until utility agreement is terminated.
 Agreements with electric and/or telephone companies for permission to locate, maintain, and service poles or meter boxes. Includes plans and petitions.

SECTION 6.10 Hazardous Materials Right To Know Files Retain thirty (30) years.
 Records relating to toxic or hazardous

substances used, transported, or stored by the Department of Public Works. Documents include chemical identification lists, material safety data sheets (MSDS), and Right-to-Know training program information.

SECTION 6.11

Licenses and Permits

Applications and copy licenses or permits issued by the Public Works Department or its divisions or notification copies of licenses or permits issued by other municipal or state authorities. Examples include, but are not limited to, licenses or permits for compost sites, operating transfer stations, dumping at municipal facilities, collecting or hauling of solid waste, excavation, sewer connections, discharge industrial wastewater, building and plumbing, physical alterations and blasting.

- (a) Permits (issued) to discharge industrial waste water. Permanent.
- (b) Other permits issued. Retain three (3) years after expiration or work completed.
- (c) Permits notifications. Retain one (1) year.

Note: Any permit issued by the department or its divisions which acts as a signed agreement on terms and conditions of use should be kept as long as the agreement remains in effect.

SECTION 6.12

Permit Logs

Permanent.

Master summary register of permits issued such as excavation permits, sewer connections, water service. Information may include name of permit holder, permit number, type, and ate issued, location of work, dates of inspection, work completion, and final acceptance.

SECTION 6.13

Petition Notification Records

Retain one (1) year.

Copies of petitions received by Town Council

relating to public works mandates. May include petitions relating to the installation, opening, or resetting of curb stops, highway and street abandonments and adoptions, layout and grade. easements, and excavation.

| | | |
|--------------|---|---------------------------------------|
| SECTION 6.14 | Violation Records Records relating to violations within municipal jurisdiction and regulation. May include notices of violation, postal certified return receipts, memos, inspection reports, photographs, correspondence. May also include copies of records relating to prosecution of violator by town solicitor. | Retain one (1) year after resolution. |
| SECTION 6.15 | Reports Internally generated reports on Public Works Department and divisions activities. May include statistical and summary reports. | |
| | (a) Daily and weekly reports. | Retain one (1) year. |
| | (b) Monthly and quarterly reports. | Retain three (3) years |
| | (c) Annual reports. | Permanent. |
| SECTION 6.16 | Minutes of Meeting Minutes of meetings including agendas and meeting notices. | Permanent. |
| SECTION 6.17 | Certificates of Record Destruction Certification forms signed by official records custodian and submitted to and signed by the State Archivist/Public Records Administrator authorizing the disposal of records under the retention periods as listed in this and other applicable schedules. | Permanent. |

SECTION 7 EFFECTIVE DATE

This amendment shall take effect upon its passage and publication as required by law.

ADOPTED by the Town Council, July 17, 1997, EFFECTIVE August 12, 1997.

ARTICLE IV PLANNING BOARD, PLANNING & COMMUNITY DEVELOPMENT RECORDS

SECTION 1. Planning Board, Planning and Community Development

SECTION 1.1 Planning Board Review Files

Records documenting land development and subdivision proposals which planning board reviews and approves or denies. Includes master, preliminary, and final plans, amendments, and supporting documentation; suitability applications and determinations, written comments from federal, state, or other municipal agencies, permits and agreements with state and federal reviewing agencies, approved master and preliminary plans, site and impact analyses, legal agreements, records of public hearings, final approval drawings, photographs, phase time schedules, check lists, variances, lists of abutting property owners, test results and applicability decisions, reports, affidavits and legal opinions, tax certificates, bonds, questionnaires, project descriptions, subcontractor lists, cost estimates, copy meeting minutes and votes of the planning board, memos, and correspondence.

- (a) Approved and waived proposals. Permanent
- (b) Denied and withdrawn proposals. Retain three (3) years.

Note: Municipal departments responsible for implementation and enforcement may hold parts of the official or record copy.

SECTION 1.2 Minutes of Meetings Permanent
Minutes of the Planning Board, Board of Appeal, and Technical Review Committee, including agendas.

Note: City or town clerk should hold official or record copy.

| | | |
|--|---|-------------------------|
| SECTION 1.3 | <p>Comprehensive Community Plan</p> <p>Records relating to the development and submission of a Comprehensive Community Plan including land use and regulation, transportation, public facilities, blighted and general areas for redevelopment, renewal, rehabilitation, or conservation, problems of housing and the development of housing programs, environmental protection, natural resource conservation, protection from disaster, economic and social characteristics of the population, preservation of historic sites and buildings, economic development, and capital improvement. May include surveys, studies, plans, reports, background records, and updated or amended Comprehensive Community Plans.</p> | Permanent |
| SECTION 1.4 | <p>Capital Improvement Program Records</p> <p>Records relating to proposal requests from individual municipal departments for capital improvements. May include project requests and summaries, budget and cost estimates, analysis, worksheets, priority ratings, schedules, Planning Board and copy City/Town Council recommendations and decisions, memos, and correspondence.</p> | |
| | (a) Approved requests. | Permanent. |
| | (b) Copies and denied requests. | Retain three (3) years. |
| Note: Official or record copy may be held by other municipal department. | | |
| SECTION 1.5 | <p>Plans, Maps, and Drawings</p> <p>Plans, drawing, and maps including, but not limited to, projects and proposals for community and economic development, capital improvement, development, subdivisions, zoning, survey and plat, tax assessment, water quality and wetlands analysis, flood insurance, buildings, highways, sanitary sewers, and traffic control.</p> | |
| | (a) Original or record copy. | Permanent. |

| | |
|--------------------------------------|--|
| (b) Duplicates and reference copies. | Retain until updated, superseded, or of no administrative value. |
|--------------------------------------|--|

Note: Official or record copy may be held by other municipal department.

| | | |
|-------------|---|---|
| SECTION 1.6 | Indices Location and cross reference systems devised and maintained for the purpose of retrieving plans, drawings, maps, or other records. | Purge with related plan, drawing, map, or record. |
|-------------|---|---|

| | | |
|-------------|--|------------|
| SECTION 1.7 | Registers Registers, logs, or master summary record including those used to record receipt of land development/subdivision applications and actions related to them, activities related to planning and/or community development, or to record the receipt of plans, drawings, or maps. | Permanent. |
|-------------|--|------------|

| | | |
|-------------|--|--|
| SECTION 1.8 | Subject/Development Files Records compiled for reference or development of projects and programs including, but not limited to, streets, emergency preparedness and management, recycling, malls and industrial parks, sewers, transportation, water and harbor management. May include proposals, studies, reports, plans, specifications, newspaper clippings, technical papers, memoranda, and correspondence. (a)Final report and essential supporting documentation for projects/programs implemented. (b)Reference records and projects/programs not implemented. | Permanent. Retain until obsolete or of no administrative value. |
|-------------|--|--|

| | | |
|-------------|--|--|
| SECTION 1.9 | Grant Program Files Records relating to the development of grant proposals to state or federal agencies and the administration of grant awards and programs. Records may include, but are not limited to, grant applications and agreements, studies, notices, technical specifications, drawings, plans, bid and contract records, accounting, | |
|-------------|--|--|

banking, purchasing, and payroll records, bonds, monitoring and performance reports, expenditure and outlay reports, memoranda, and correspondence.

(a) Grant applications and amendments, final performance, disposition and expenditure reports. Permanent.

(b) Financial and programmatic records, periodic performance reports, supporting documents, statistical records, other and required and pertinent records. Retain three (3) years from submission of closeout and final expenditure report or submission of annual financial status report for grants renewed annually.

(c) Real property and equipment records. Retain three (3) years from date of disposition, replacement, or transfer of property/equipment.

(d) Income transaction records (earning of income) after grant support. Where required by the terms of the grant. Retain three (3) years from the end of fiscal year in which the income is earned.

(e) Unsuccessful grant applications. Retain three (3) years.

Note: If any litigation, claim, negotiation, audit, or other action has been started before the expiration of the 3 year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the 3 year period, whichever is later.

SECTION 1.10 Federal Assistance Application Permanent.
Annual application submitted to the federal Department of Housing and Urban Development.

SECTION 1.11 Community Development Case Files
Records relating to loans awarded to promote public improvement, social services and economic development, rehabilitation and revitalization, and affordable housing. Records may include, but are not limited to, loan applications, budgets, project and work descriptions and specifications, evaluations, contracts, progress reports, financial statements,

records of loan payments, monitoring reports,
and correspondence.

(a)Approved applications. Retain ten (10) years after
final payment on loan.

(b)Denied applications. Retain six (6) years.

SECTION 1.12 Reports and Studies

(a)Daily and weekly reports. Retain one (1) year.

(b)Monthly and quarterly reports. Retain three (3) years.

(c)Annual and special reports and studies. Permanent.

SECTION 1.13 Historic Preservation Survey Records Permanent
Records relating to the RI Statewide Survey
including Historic Building Data Sheets
and photographs for individual buildings surveyed.

SECTION 1.14 Certificates of Records Destruction Permanent
Certification forms submitted to and signed
by the State Archivist/Public Records
Administrator authorizing the disposal of
records under the retention periods listed in
this and other applicable schedules.

General Office Administrative Records See Records
Fiscal Records Retention
Reference Records Article I

Personnel Records See Records
Payroll Records Retention
Article II.

SECTION 2. EFFECTIVE DATE

This amendment shall take effect upon its passage and publication as required by law.

ADOPTED by the Town Council, July 17, 1997, EFFECTIVE August 12, 1997.

| | | |
|-------------|---|---|
| | (f) Permits denied. | Retain three (3) years after final decision. |
| SECTION 1.3 | <p>Master Inspection Files</p> <p>Files containing information relating to inspection activity. Inspections include, but are not limited to foundation, plumbing, mechanical, electrical, frame and masonry, lath/wallboard, violations, complaints, and structural and safety inspections. May include owner's name and address, plat and lot number, type of building, contractor's name, dates and types of permits, permit numbers, copies of permits issued, field inspection cards, date and number of certificate of occupancy, complaint, comments, determinations and/or deficiencies.</p> | Retain as long as building or structure remains in existence. |
| SECTION 1.4 | <p>Indexes</p> <p>Indexes that aid access to records on file. May include name, address, plat and lot, permit numbers and dates.</p> | Purge with related series title. |
| SECTION 1.5 | <p>Permit Log</p> <p>Log recording permits issued. May include for each entry: date, permit number, plat and lot, name, address, type of work, and cost.</p> | Permanent. |
| SECTION 1.6 | <p>Inspection Log</p> <p>Log recording inspections performed. Inspections include, but are not limited to foundation, plumbing, mechanical, electrical, frame and masonry, lath/wallboard, violations, complaints, and structural and safety inspections. May include: date, address, owner's name, plat and lot numbers, inspection number, and type of inspection.</p> | Retain three (3) years after last entry. |
| SECTION 1.7 | <p>Plans and Specifications</p> <p>Maps, plan, blueprints, and specifications submitted with applications for building and</p> | |

construction permits.
(RIGL 23-27.3-108.1.7.)

- | | |
|--|---|
| (a) R-4, one and two family dwellings. | Retain one (1) year after completion of construction. |
| (b) Public buildings. | Retain as long as the building or structure remains in existence. |
| (c) Historic buildings. | Permanent. |
| (d) All other use groups. | Retain five (5) years after completion of construction. |
| (e) Duplicate copies. | Retain until no longer of administrative value. |

SECTION 1.8 Certificates of Use and Occupancy
Certificates issued upon completion of work in accordance with applicable codes and all approved permits.
(RIGL 23-27.3-108.1.7.)

- | | |
|--------------------------------------|---|
| (a) Official copy or copy of record. | Retain as long as building or structure remains in existence. |
| (b) Duplicate copies. | Retain one (1) year. |

SECTION 1.9 Certificates of Inspection - Schools
Building Official's copies of the annual inspection certificates approving school buildings.
(RIGL 23-27.3-108.1.7.)

SECTION 1.10 Individual Sewage Disposal System Retain five (5) years.

(ISDS) Files

Includes ISDS construction permit issued by Department of Health, application/approval for percolation test, specifications for location and plan for type of septic systems and soil exploration data. May include application for permit, certificate of conformance, application/permit to construct/alter/add on to a facility and architectural plans/blueprints/specifications of building or site detailing proposed construction, alteration, or addition.

| | | |
|--------------|---|--|
| SECTION 1.11 | Individual Sewage Disposal System (ISDS) Index Records plat, lot, name of owner or firm, address, ISDS application number, and action (e.g. construction and/or conformance approval date, and/or installation or construction performed by approved contractor). | Purge with related record series. (Section.1.10) |
| SECTION 2 | State and Local Regulation | |
| SECTION 2.1 | State Government Notifications Notices, opinions and reports from various departments of state regarding, but not limited to, violations, release of violations, change of use, certificates of closure, ISDS, plan approvals, notices, determinations, field reports, evaluations, and copy applications/permits. Note: Office of record is the state agency that issued record. | Retain until updated, superseded, or of no further administrative value. |
| SECTION 2.2 | State Building Code Commission Building Code Standard Committee- Interpretation and Approval Reports May include notices, memos and correspondence relating to approval and use of items, materials, and methods of construction with code interpretation. May | Retain until updated, superseded, or of no further administrative value. |

include instruction on installation and use,
and lists of approved manufacturers.

| | | |
|-------------|---|---|
| SECTION 2.3 | List of Registered Contractors Alphabetical list of registered contractors. Includes registration number, date, name, address, and expiration. | Retain until updated or superseded. |
| SECTION 2.4 | Municipal Ordinances and Regulations Copies of ordinances and regulations issued by municipality. Note: Copy of record held by municipal clerk. | Retain until updated, superseded, or of no further administrative value. |
| SECTION 3 | Zoning Board of Review Housing Board of Review | |
| SECTION 3.1 | Zoning Certificate Certificates for zoning variance (and/or special exception) including proposed construction, street address and lot number. May include signature of building inspector showing approval that proposed construction and/or use of building of land complies with provisions of federal, state and local ordinances and regulations. (RIGL 23-27.3-108.1.7.) | Retain as long as building or structure remains in existence. |
| SECTION 3.2 | Zoning Certificate Log Log indicating name, plat, lot, address, and proposed use and/or construction. | Retain three (3) years after last entry. |
| SECTION 3.3 | Zoning Board Review Files Applications for appeal, variance or special exception including, but not limited to, applications, site plans, blue print studies relative to decision, copies of plat maps, zoning petitions, correspondence, affidavits, lists of abutting landowners, copies of deeds, decisions, proceedings, minutes, and legal | |

notices.

(a)Approved.

Permanent.

(b)Denied.

Retain until resolution
or final decision.

Note: Municipal departments
responsible for implementation and
enforcement may hold parts of the
official or record copy.

SECTION 3.4 Zoning Board Decisions Permanent.
Notifications and resolutions relative to
petitions or requests for variances to
municipal zoning ordinances.

SECTION 3.5 Index to Zoning Board Decisions Permanent.
Includes book number, meeting date, page
number, plat/lot number, special exception, and
book and page locations of hearing and decision.

SECTION 3.6 Minutes Permanent.
Minutes of meetings including agendas and
legal notices to newspaper.

Note: Municipal Clerk should hold official of record copy.

SECTION 4 Complaints and Violations

SECTION 4.1 Complaint Files Retain three (3) years
Record of complaint of alleged violations. unless in litigation.
Includes name, address and signature of
complainant, location of complaint, owner's
name and address, nature of complaint, type
of violation (minimum housing, zoning
violation, health ordinance, building
violation), type of building, occupant(s)
name(s) and investigator's name.

SECTION 4.2 Violation Files Retain ten (10) years.
Records relating to building code violations. Record copy of all
May include field inspection record, original

and copy correspondence, certified mail requests and return receipts, complaints including investigation reports, summonses, photographs, notices and cease and desist orders.

notices of violations must be retained as long as the building exists and may form part of Section 1.1 or Section 1.2.
(RIGL 23-27.3-108.1.7)

SECTION 4.3

Stop Work Orders/Cease and Desist Orders

Retain three (3) years after final resolution.

Documents violation of code ordinance and includes relevant code/ordinance, date, delivery time, and signatures of server and recipient.

SECTION 4.4

Summons
Summons to appear issued by municipal authority. Includes date, place time, defendant's name and address, statutes violated, and complainant(s) name(s). Official copy or record copy should be held by municipal solicitor.

Retain until final resolution of case.

SECTION 4.5

Affidavits and Arrest Warrants
Initiates action for arrest for failure to comply with minimum housing ordinances or for failure to correct problems which cause serious hazard to health and safety. Records defendant's name and address, date of offense, and affiant's name and address. Official copy or record copy may be held by municipal solicitor.

Retain until final resolution of case.

SECTION 4.6

Court Docket Slips
Copy of court schedule. Includes date, trial date, defendant's name, charges, witness' name, reason for appearance (trial, plead, sentence) and description.

Retain one (1) year.

| | | |
|-------------|--|---|
| SECTION 4.7 | Rent Receivership Revolving Fund Documents activities of program pursuant to Public Laws of R.I. Chapter 52 (1968) and Chapter 146 (1970) and includes rent payment forms, payment vouchers for repair services provided, receipts for vouchers, rental payments, applications and correspondence. | Retain one (1) year after resolution and completion of audit. |
| SECTION 4.8 | Minimum Housing Files Records of rental properties containing information relative to violations and complaints. May include certified return receipts, zoning violation notices, municipal court ordinance complaints, summons, decisions, copy permits and photographs. | Purge obsolete records and records of no further administrative value after five (5) years. |
| SECTION 5 | Administration General Office Administrative Fiscal Records Reference Records | See Records Retention Schedule #1 |
| | Personnel Records Payroll Records | See Records Retention Schedule #2 |
| SECTION 5.1 | Reports Internally generated reports (a) Daily and weekly reports. (b) Monthly and quarterly reports. (c) Periodic Reports. (d) Annual Reports. | Retain one (1) year. Retain three (3) years. Retain three (3) years. Permanent. |
| SECTION 5.2 | Buildings History Files Ongoing cumulative reference records documenting buildings (often arranged by street.) May include references to and citations of land evidence records, orders, resolutions and minutes of City/Town Council, surveys, plat references, copies from maps and field books, copies of petitions, lists of property owners, memos, correspondence, photographs and plans. | Review for historical value. Purge obsolete records and records of no further administrative value after five (5) years. |

| | | |
|-------------|---|---|
| SECTION 5.3 | House Numbering Cards Ongoing reference file which includes street name, plat number, lot number, house number for lot, number used, and owner(s) name(s). | Retain until updated or superseded. |
| SECTION 5.4 | Zoning Plat Maps Plat maps showing zoning. (a) Official copy or copy of record. (b) Reference copies. | Permanent. Retain until updated or superseded. |
| SECTION 5.5 | Certificates of Records Destruction Certification forms signed by official records custodian and submitted to and signed by the State Archivist/Public Records Administrator authorizing the disposal of records under the retention periods as listed in this and other applicable schedules. | Permanent. |

ADOPTED by the Town Council, November 20, 1997, EFFECTIVE December 15, 1997.

Note: Authorization to dispose of records must be obtained from the State Archives using the Certification of Records Destruction (Form RI/PRA 003). Approved Certificates must be kept as a permanent record.

Note: When records are eligible for destruction, as a matter of procedure, consult your legal counsel or city/town solicitor.

This Records Retention Schedule has been developed by the Rhode Island Local Government Records Program of the State Archives in an effort to assist government officials in the proper management of public records.

Barbara E. Robertson, CMC Town Clerk

History of Ordinance: ADOPTED by the Town Council, September 16, 1993; EFFECTIVE October 13, 1993; AMENDED - Article III and IV July 17, 1997 and EFFECTIVE August 12, 1997; AMENDED - Article II on August 21, 1997 and EFFECTIVE September 18, 1997; AMENDED - Article V on November 20, 1997, EFFECTIVE December 15, 1997.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF
RHODE ISLAND HEREBY ORDAINS:

2-14-01

RECORDS RETENTION ORDINANCE

| <u>Record Series No.</u> | <u>Record Series Title and Description</u> | <u>Retention</u> |
|--------------------------|---|---|
| ARTICLE VI. | POLICE DEPARTMENT | |
| <u>Operations</u> | | |
| SECTION 1 | Complaint | |
| SECTION 1.1 | Complaint Cards Record of calls to police. Includes information on reporting party, location and nature of incident, time and dispatch information, disposition. | Record copy may form part of other series; if not, retain five years. |
| SECTION 1.2 | Complaint Report Files Records complaint, report, and follow-up of incident. May include complaint report card, incident, accident, misdemeanor, felony, fraudulent check, missing person, domestic violence, supplemental, or other reports, consent to search, witness and Miranda rights statements, property records, arrest, court, processing, and disposition documents, and copies of records from arrest files. | The following retention periods apply unless a case is in litigation: |
| | (a) Criminal incidents. | Retain until expiration of statute of limitations. |
| | (b) Non-criminal incidents. | Retain three years. |
| | (c) Motor vehicle accidents. *if not covered under other categories. | Retain three years. |
| | (d) Accidental or unexplained death. | Permanent |

| | | |
|-------------|---|---|
| | (e) Missing persons, unsolved. | Permanent |
| SECTION 1.3 | Index to Complaints Purge with related Name and information on complainant, victim, location, nature of incident, and complaint report reference number. May include date, time, and dispatch details. | Complaint Report Files, when obsolete, or administrative value is lost. |
| SECTION 1.4 | Field Interrogation Cards Name and identifying information on persons questioned in the field, location, comments and disposition. May include data on vehicle, NCIC checks. Used for informational and analysis purposes. | Retain five years. |
| SECTION 1.5 | Administrative Card/Log Slips Records time taken in additional activities and actions of officers such as court appearances, education, talks, assisting another officer, overtime. | Retain three years. |
| SECTION 1.6 | Daily Log/Day Sheet Compilation of complaints, time received, verification, officer number, unit sent, location of call, beat/tab, summary. May include weather, names of staff off duty and type of leave, prisoners, and other data. | Retain five years. |
| SECTION 1.7 | Daily Bulletin Twenty-four hour highlight of activity of a criminal or informational nature. May include date, time, location, beat/tab, MO/suspect or other information, amount of property loss, and complaint number. | Retain one year. |
| SECTION 2 | Dispatch | |
| SECTION 2.1 | Radio/Dispatch Log Records date, time, address, type of call, officer/car number. | Retain three years. |

| | | |
|-------------|--|--|
| SECTION 2.2 | Dispatch Tapes Audio tapes of calls received and dispatch instructions. | Retain thirty days before re-use. |
| SECTION 2.3 | Dispatch Tape Control Log Records tape number, date/time started, dispatcher number, and comments. | Retain three years. |
| SECTION 2.4 | Towed Vehicle Log Records for each vehicle, date and time, vehicle information, officer, locations towed from and to, complaint number, and release information. | Retain one year after all releases recorded. |
| SECTION 3 | Patrol | |
| SECTION 3.1 | Assignment Log/Schedule Daily roster for work/shift. May include officers' names, beats, car numbers, equipment, activities or duties assigned to each officer. | Retain three years. |
| SECTION 3.2 | Vehicle Inspection Sheets Records car number, mileage, date and time in/out, check list for vehicle and equipment inspection. | Retain two years. |
| SECTION 3.3 | Officer/Cruiser Report Log Records officer's daily activity. May include for each response, times, complaint information, and statistical and other summaries. | Retain three years. |
| SECTION 3.4 | Accident Listings Listing of motor vehicle accidents. May include complaint report number, date, time verification code, location, operator(s) of vehicle(s), and registration number(s). | Retain until superseded, updated, or of no administrative value. |
| SECTION 3.5 | Operation C.A.T. Registrations | Retain one year after |

| | | |
|-------------|--|---|
| | Completed registration forms for the RI Operation C.A.T.-Combat Auto Theft program. | program discontinued. |
| SECTION 4 | Traffic | |
| SECTION 4.1 | Summons Books Book or pad of summonses for violations relating to the operation, control, or maintenance of a motor vehicle. Also called citations, tags, or tickets. | |
| | (a) Issued summonses (police record copy) | Retain one year after final disposition and successful audit. |
| | (b) Summons book summary sheets (department copy) | Retain three years. |
| | (c) Summons book receipts (stubs) | Retain one year. |
| | (d) Used summons books and spoiled/voided summonses | Retain one year. |
| SECTION 4.2 | Transmittal Lists List of summonses issued. Includes summons number, offender's name, officer's number, date, whether paid or hearing required. | Retain one year. |
| SECTION 4.3 | Notices to Appear Notification for officers to appear at hearings. | Retain one year. |
| SECTION 4.4 | Parking Citations Citations for non-moving traffic violations. | Retain until successful audit plus one year. |
| SECTION 4.5 | Cash Receipts Office copy of receipts for payments of fines. | Retain until successful audit plus one year. |
| SECTION 5 | Animal Control | |
| SECTION 5.1 | Animal Complaint Files | Retain three years. |

Animal complaint process and records may be separate from regular complaint report files. Records may include complaint notification and report of action, description of animal and final disposition, notification to owners under municipal ordinances, certification of ownership and release of animal to the animal control officer.

| | | |
|-------------|--|---|
| SECTION 5.2 | Dog Licenses List of current dog licenses issued by the municipality. Record copy held by municipal clerk. | Retain until updated or superseded. |
| SECTION 5.3 | Animal Control Section Check Lists Inspection check list may include vehicle, equipment, kennel/compound, and activities. | Retain two years. |
| SECTION 5.4 | D.E.M./Animal Health Report Lots Logs recording date, animal identification, receiving and disposition information, name and address, and statistical summaries. | Retain five years. |
| SECTION 6 | Vehicles and Equipment | |
| SECTION 6.1 | Vehicle Records Records relating to each vehicle owned by the police department. May include title, registration, inspection, maintenance, checklists, repair, and incident reports. | Retain one year after disposal of vehicle and completion of successful audit. |
| SECTION 6.2 | Police Vehicle Accident Files Records relating to accidents which involved police vehicles. May include copies of complaint report files, photographs, diagrams, witness statements repair estimates, medical reports, and disposition. | Retain three years unless in litigation. Note: If minor involved, retain three years after minor reaches the age of eighteen (18) years. |
| SECTION 6.3 | Speedometer Calibration Records Test reports for vehicle speedometer | Retain two years. |

calibration.

| | | |
|-------------|--|---|
| SECTION 6.4 | Radar Reports May include certification of calibration, routine radar check reports, and certification of accuracy for tuning forks. | Retain two years after equipment disposed of. |
| SECTION 6.5 | Borrowed Equipment Agreements For equipment borrowed may include person's name and address, description of equipment, date and time checked in and out, and signatures of officer and borrower. | Retain one year. |
| SECTION 7 | Detectives/BCI | |
| SECTION 7.1 | Detectives Log Daily record logs detectives in/out and reports activity. | Retain three years |
| SECTION 7.2 | Investigations/Assignments Summary Records detectives names and individual assignments. May include old and new cases, caseload, follow-ups, arrests, cases closed. | Retain three years. |
| SECTION 7.3 | Investigation Case Files Detectives copy of cases under investigation. Contains copies from Complaint Report File Section 1.2. | Retain until case closed or until the information is determined to be no longer of value. |
| SECTION 7.4 | Arrest Booking Log Records information on arrested persons which may include date of arrest, name, address, sex, date of birth, offense, complaint report number, arresting officer. May assign arrest booking number and include a section for recording the arrest of persons previously assigned arrest numbers. | Retain three years after last entry. |
| SECTION 7.5 | Arrest Booking Card Information recorded may include name, | Purge with related Arrest File |

arrest booking/BCI number, address, date of birth, sex, occupation, physical description, offense, complaint report and arrest booking numbers, and disposition of case. May act as index to arrest files. Section 7.9.

| | | |
|--------------|--|---|
| SECTION 7.6 | Finger Print Cards Finger prints of arrested persons. | Purge with related Arrest File Section 7.9 |
| SECTION 7.7 | Mug Shots Photographs or slides of arrested persons. | Purge with related Arrest File Section 7.9. |
| SECTION 7.8 | Mug Shot Index Acts as index to the photo files. Information may include name, date of birth, race, sex, photo reference and arrest booking number. | Purge with related Arrest File Section 7.9. |
| SECTION 7.9 | Arrest Files Cumulative information file for each adult arrested. May include processing reports, cover and face sheet, copies from complaint report files, investigation reports, witness statements, signed Miranda rights, property record, rap sheets, court, process, and disposition documents. | Retain until person is known dead or presumed dead at age eighty-five (85). |
| SECTION 7.10 | Evidence Journal Cumulative log of evidence taken into custody. Information recorded may include date, item(s), location/bin, names of complainant and arrested person, complaint report number, disposition and date. | Retain three years after final disposition of all entries. |
| SECTION 7.11 | Property Record Individual record of property/evidence taken into custody. May include date, names, addresses, signatures, description, serial numbers, condition, whether property or evidence, location/bin, complaint report number, comments, and disposition. | Retain three years after final disposition of property. |

| | | |
|--------------|--|---|
| SECTION 7.12 | Evidence Examination Requests Requests for examination of evidence by FBI or RI State Crime Laboratory. May include names of suspect/victim, offense, complaint report number, description of evidence, examinations requested, disposition. | Record copy kept as part of case file. Purge duplicates when evidence disposed of. |
| SECTION 7.13 | Confidential Informant Files Information recorded may include number assigned to informant, informant's and case officer's names, reference to origins of the contact, reports of information supplied by informant, and expenditure/payment records. | Retain seven years after informant no longer active. |
| SECTION 7.14 | NCIC Inquiry Log Book Records each inquiry to NCIC or other law enforcement databases. May include date, time, name and date of birth, name of requester, authorization, reason, complaint report number, and operator's name/number. | Retain three years after last entry. |
| SECTION 7.15 | Outstanding Warrants Lists or print-outs of outstanding arrest warrants. May include name, date of birth, address, offense code, case number, warrant date, status, charging section. | Retain until updated, superseded, or of no administrative value. |
| SECTION 7.16 | Precious Metals Reports Buyer/police/State Treasurer multi-part form reporting the sale of precious metals, gems, and jewelry. Includes buyer and seller information and description of goods. | Retain one year. |
| SECTION 7.17 | Stolen Property Lists Received and internally produced lists and print-outs of lost, stolen, found, pledged, or pawned property. | Retain until updated, superseded, or of no administrative value. |
| SECTION 7.18 | Sex Offenders Register Form containing name, date of birth, address, household information, violation, BCI number, and signature. May include | Retain until person is known dead or presumed dead at age eighty-five (85). |

copy notice of duty register and other notifications.

Offense adjudicated by juvenile court - destroy records when person attains age twenty-five (25).

SECTION 8 Juvenile

SECTION 8.1 Juvenile Detention Data Summary
Records information on juveniles detained including identification or reference number, age, race, sex, reason for detention, area where held, dates and times of entering and leaving detention, and final disposition.

Retain one year.

SECTION 8.2 Juvenile Arrests Log
Records information on juveniles arrested. May include date, name and address, date of birth, age, sex, agency referred to, offense, complaint report number, identification and arrest numbers.

Retain three years after last entry.

SECTION 8.3 Juvenile Arrest Files
Cumulative information file on each juvenile arrested. May include processing report, cover and face sheet, copies from complaint report files, investigation reports, property records, witness statements, signed Miranda rights, Family Court petitions, court, process, and disposition documents.

Records must be kept separate and apart from adult arrest records.

Current practice is to seal records at age eighteen (18).

SECTION 8.4 Abused/Neglected Child Notification
Reports from the Division of Child Protective Services of the Department of Children, Youth, and Families of suspected cases of child abuse or neglect. May include cover letter, investigative worker's observations/recommendations, investigation summary.

Destroy three years after date of final determination by family court or DCYF that abuse/neglect did not occur.

| | | |
|--------------|--|--|
| SECTION 9 | Prosecution | |
| SECTION 9.1 | <p>Prosecution Case Files</p> <p>Individual case files prepared for purposes of prosecution. Includes copies from complaint report files, detectives investigation case files, and arrest files.</p> | <p>Copy case disposition information to Section 1.2</p> <p>Complaint Report</p> <p>File after legal proceedings complete then destroy.</p> |
| SECTION 9.2 | <p>Court Calendar</p> <p>List of court appearances. May include date, judge, defendant's name, case number, offense, whether arraignment, pre-trial, or trial, attorney's name, and disposition.</p> | <p>Retain one year.</p> |
| SECTION 9.3 | <p>Court Disposition Reports</p> <p>Listing of reported disposition or case status. May include case number and final disposition or statistical report tracking the number and status of cases for a given period.</p> | <p>Retain three years.</p> |
| SECTION 10 | Licenses and Background Checks | |
| SECTION 10.1 | <p>Licensed Premises Files</p> <p>Files on bars, social clubs, and liquor stores within a municipality. May include copies from complaint report files relating to incidents occurring at the premises, arrest/booking reports, court summons, hearing notifications, court decisions relating to alcoholic beverage licenses, suspension orders, memos, and correspondence.</p> | <p>Retain until obsolete or of no administrative value.</p> |
| SECTION 10.2 | <p>Licenses Register</p> <p>Register giving name, address, date of license, and expiration for licenses premises and persons. May include bowling alleys, victualing houses, peddlers and vendors, junk dealers/gatherers, liquor, taverns, pool and billiards, and shooting galleries.</p> | <p>Permanent</p> |

| | | |
|--------------|--|--|
| SECTION 10.3 | Licensing Files Application information, criminal background checks, or other documentation in connection with a state or local licensing/permit process. Examples include licenses for operating a business, second hand dealers, hawkers and peddlers, wrecking and salvage yards, private investigators, to sell or carry firearms games of chance, and alcoholic beverages. | If Licencing Authority Firearms and alcoholic beverages - retain ten years after expiration. All others - retain three years after expiration. If not Licencing Authority Retain one year. |
| SECTION 10.4 | Criminal Background Check Files Criminal background checks done as a consequence of requests from employers or under state or local government requirements. Examples include school, day care, or nursing home employees. | Retain one year. Destroy fingerprint cards for child care and educational services to very young children personnel upon conclusion of background check. |
| SECTION 10.5 | Applications to Purchase Firearms Duplicate copy of application to purchase firearms within the state. | Approved - destroy within 30 days. Denied - retain one year. |
| SECTION 11 | Holding Facility | |
| SECTION 11.1 | Prisoner Personal Property Records Records personal property of each prisoner | Retain three years. |
| SECTION 11.2 | Meal Records/Food Receipts Records may include order, vendor, receipt and purchase information. | Retain audit plus one year. |
| Section 11.3 | Inspection Records May include schedules/check lists for | Retain three years |

inspection of security, health, and safety systems such as fire detection and suppression, sanitation, security, and first aid.

Section 11.4 Housekeeping/Maintenance Records Retain one year.
May include schedules/check lists for cleaning or maintenance.

Administration

General Office Administrative Records
Fiscal Records
Reference Records

Personnel Records See Records Retention.
Payroll Records

SECTION 12 Policy and Reports

SECTION 12.1 Crime Analysis Bulletins Retain one year
Notification of internal force on crime activity. Reports on crime patterns may be by type of crime, modus operandi, or area and may include charts, computer print-outs, and suspect information.

SECTION 12.2 Reports
Internally generated reports including, but not limited to, manpower, operations, analysis, crime comparison, inspection, watch, or other statistical and summary reports.
(a) Daily and weekly reports. Retain one year.
(b) Monthly and quarterly reports. Retain three years.
(c) Periodic reports. Retain three years.
(d) Annual reports. Permanent

SECTION 12.3 Uniform Crime Report (UCR) Retain five years.
Monthly count of offenses and stolen and recovered property values sent to the State Police.

| | | |
|--------------|--|---|
| SECTION 12.4 | Accreditation Files Standards, memoranda, goals and objectives, status and progress reports, copy orders and directives, and other documentation relating to accreditation and review for maintaining accreditation. | Purge files as necessary. Retain until superseded, updated, or of no administrative value. |
| SECTION 12.5 | Directives Official statements of policy, operating procedure, and standards. May include general or special orders, memoranda, rules and regulations. | Permanent - one record copy signed or issued by department or division head. |
| SECTION 12.6 | Signature Returns Sign-off sheets acknowledging receipt by individuals of names documents. | Retain three years. |
| SECTION 12.7 | Certificates of Records Destruction Certification forms submitted to and signed by the State Archivist/Public Records Administrator authorizing the disposal of records under the retention periods as listed in this and other applicable schedules. | Permanent |
| SECTION 12.8 | Internal Affairs Investigations Investigations of complaints of alleged officer misconduct. May include reports, correspondence, statements, investigation documentation, findings, and disposition. | |
| | (a) Complaint unfounded, not sustained. | Retain seven years. |
| | (b) Complaint sustained. | Retain seven years. |
| SECTION 12.9 | Use of Force Investigations Investigations on the application of physical or deadly force. May include copies from complaint report file, inquiry and findings. | Retain seven years. |
| SECTION 13 | Community Relations/Programs | |
| SECTION 13.1 | Community Service Programs | Retain until of no |

Files relating to programs within the community or schools undertaken by the department which may relate to crime prevention, safety, drugs, and education. administrative value, then review for historical value.

SECTION 13.2 Community Surveys
Surveys or questionnaires used to measure community concerns and opinions.

- (a) Completed questionnaires or survey forms. Retain one year.
- (b) Compilation of responses and summaries. Permanent.

SECTION 13.3 Grant Files Retain until successful audit plus three years.
Records may include application, management, financial, and programmatic papers, supporting documentation, and statistical records.

Adopted by the Town Council, October 15, 1998, effective November 09, 1998.

Barbara E. Robertson, CMC Town Clerk

ARTICLE VII. BOARD OF CANVASSERS

SECTION 1 Registration

SECTION 1.1 Voter Registration Cards
Original and duplicate voter registration record. Includes name, address, place and date of birth, party affiliation, naturalization data, voting record, and adjustments pertaining to name, address, or affiliation changes.

Note: Federal legislation PL 103-31 will take effect January 1, 1995.
This bill mandates a minimum eight (8) year retention period for voter retention periods apply until that date.

- (a) Original Retain as long as voter

| | |
|--|--|
| Arranged by voting district and either by street or alphabetical order. | is active, then five (5) years. |
| (b) File Copy Arranged for entire municipality in alphabetical order (office record). | Retain as long as voter is active, then purge with original. |
| (c) Verification Record Original and file copies of newly registered voters requiring data confirmation. | Retain five (5) years or until voter placed on active registration list at next election. |
| (d) Voter Removals Registration removal record. | Retain five (5) years after removal. |
| (e) Cancellation Receipts File copy forwarding receipts of voters now registered in other communities | Retain five (5) years from date of forwarding. |
| (f) Out of Town Registrations Registration records forwarded by other cities or towns of voters now living in municipality. | Maintain separate until next election. Thereafter, retain as original and file copy. |
| (g) Foreign Absentee Registrations (original and file copy) Municipal voters living outside the country who are registered to vote only in federal elections. May include affidavit verifying same. | Maintain separate from active municipal voting registrations. Retain as long as voter is active and living outside the United States, then five (5) years. |
| SECTION 1.2 Party Affiliation Cards Voter party affiliation preference. Includes name, address, party preference, and signature. | Retain as long as voter is active, then purge with related registration record section 1.1. |

| | | |
|-------------|--|---|
| SECTION 1.3 | Disaffiliation Affidavits Voter change of party preference. Verification of name, address, previous party preference, and signature. | Retain as long as voter is active, then purge with related registration record section 1.1. |
| SECTION 1.4 | Address Change Forms Residence changes. Includes declaration of address change and confirmation of former and new voting district, ward, polling place. | Retain four (4) years. |
| SECTION 1.5 | Voter Residency Certificates Municipal certificate verification of voter residency. May include name and address or other identifying information pertaining to a particular active voter seeking confirmation. | Retain one (1) year. |
| SECTION 2 | Candidates | |
| SECTION 2.1 | Declarations Declarations for candidacy for party primaries and independent candidates. Includes name and identifying information of candidates declaring for office. | Retain twenty-six (26) calendar months from date of filing. |
| SECTION 2.2 | Endorsements Filings of endorsement by state committees, district committees, and ward, city and town committees of candidates to be voted for by state at large or by congressional district. | Retain twenty-six (26) calendar months from date of filing. |
| SECTION 2.3 | Nomination Papers Party and independent nomination papers for candidates to be voted for by state at large, congressional district, ward, city or town elections. | Retain twenty-six (26) calendar months from date of filing. |
| SECTION 2.4 | Nomination Objections Objections to party and independent nomination papers for state of local offices. | Retain twenty-six (26) calendar months from date of filing. |
| SECTION 2.5 | Candidates Lists | Retain four (4) years. |

Lists of party candidates for city and town elections filed by town, ward, or city committees. Data includes: name and address of candidate, order in which they will appear on the ballot, office sought, term of office.

| | | |
|-------------|---|---|
| SECTION 2.6 | Candidate Withdrawals Certificates of withdrawal from primary nominations and independent candidates for state and local offices. Includes candidate statement concerning reason for withdrawal. | Retain twenty-six (26) calendar months from date of filing. |
| SECTION 2.7 | Certificate of Nomination Certificate of candidate nomination. Includes name and address of candidate, office sought, date of nomination, and board of canvass and registration verification. | Retain four (4) years. |
| SECTION 2.8 | Certificates of Election Copies of election certificates presented to candidates upon verification of election. | Retain four (4) years. |
| SECTION 3. | Elections | |
| SECTION 3.1 | Election Documents Files Various election records arranged by election or primary. Documents may include master tally sheets, lists of polling places, sample ballots, State Board of Elections receipt of returns, election returns, poll workers lists, election officials certificates, returned ballot certificates, voting machine returns, emergency and mail ballot applications and lists, lists of candidates, newspaper notices, notices of recount, copy of certificates of election, election inspectors lists, unofficial tallies, correspondence and notices to/from State Board of Elections, Office of the Secretary of State, Board of Canvassers, and other affidavits, lists, or certificates pertaining to a particular election or primary. | Retain four (4) years. |

Note: The documents listed above may or may not be filed as separate series. If filed separately, refer to other series and retention periods listed herein.

| | | |
|-------------|--|--|
| SECTION 3.2 | <p>Challenge Lists</p> <p>Name and address of all persons who are determined to be ineligible to vote in the ensuing election, at any time after the registration binders have been locked, sealed, and certified to serve as the official voting list. Such lists shall also include all persons who have been furnished mail ballots.</p> | Retain until next primary or election. |
| SECTION 3.3 | <p>Final Voting Lists</p> <p>Final canvass certification list of voters deemed eligible to vote preceding an election or primary.</p> | Retain until next primary or election |
| SECTION 3.4 | <p>Committee Lists</p> <p>Lists of officers and members of all city, town, and district committees organized for the purpose of nominating and endorsing party candidates, electing ward committees.</p> | Retain four (4) years. |
| SECTION 3.5 | <p>Affidavits</p> <p>Affidavit confirmation of voters requiring or requesting action or special accommodation during a given election or primary.</p> <p>Affidavits may include the following:</p> <p>(a) Right to Vote Challenge</p> <p>Affidavit confirming voter party affiliation during a primary when such affiliation has been challenged by a primary official.</p> <p>(b) Voter Identity Challenge</p> <p>Identity certification confirming name, signature of voter whose registration records have been designated as inactive.</p> <p>(c) Voter Omission Challenge</p> <p>Challenge by voter whose name has been stricken from any voter list.</p> | Retain four (4) years. |

(d) Voter Requiring Assistance
Name, address, signature, assistant, and application number of voter in need of assistance to vote due to blindness, illiteracy, or incapacitation.

(e) Voter Signing with a Mark
Verification of name, address, town, city, of voter unable to sign ballot. Affidavit signed by warden and party supervisors.

(f) Obtaining Signatures
Oath of presence confirmation of persons obtaining signatures for the purpose of endorsing nomination papers.

| | | |
|-------------|---|---|
| SECTION 3.6 | Ballot Applications (Poll Lists) Numbered verification slips completed at the time of voting certifying date of ballot, ballot type (primary, general election, special election), town/city name, statement of voter as to being registered, and voter signature and address. | Retain four (4) years. |
| SECTION 3.7 | Primary/Election Returns Consists of individual machine numbers, polling place designation, date of election, total votes registered by machine, candidate, referenda, or question as well as signatures of election inspectors, wardens, clerks. | Retain four (4) years. |
| SECTION 3.8 | Recount Positions Candidate requests for recount of individual machine or paper ballot tallies. Includes candidates reason for request. | Retain twenty-six (26) calendar months from date of request. |
| SECTION 3.9 | Mail Ballot/Emergency Mail Ballot Applications and Lists Applications for mail ballots and emergency mail ballots, copies of application, certifications, and certified lists of mail ballots and emergency mail ballots. May be | Retain until the first day of September in the second year after the lists were received. |

accompanied by affidavits or medical certificates identifying patient, type of medical condition, date of examination, and signature of attending physician.

Applications may include:

(a) Applications by members of the Armed Forces in Active Service
Includes name, Rhode Island address, military address, length of time assigned to duty station, and signature of military commander and applicant verifying same.

(b) Applications by Temporarily Disabled or Incapacitated Voters
Includes name, address, town, date of election requested, and signature of voter. Accompanied by medical certification.

(c) Applications by Foreign Absentee
Includes name, Rhode Island address, place of birth, date of birth, present address, and signature of witness of voters living abroad who are restricted to vote only for federal officers.

(d) Applications by Serviceman's Dependent Voter
Qualified voters (spouse, children) of members of the armed forces in active service who are absent from the state. Consists of affidavit verifying voter authenticity and qualification.

SECTION 3.10

Automatic Mail Ballot Records
Applications, affidavits and other related certifications confirming name, address, city, town, of voters requiring automatic mail ballots because of being a shut-in voter or a Peace Corps. volunteer. May include medical certificates verifying voter disability or incapacitation.

Retain as long as voter is active or status remains unchanged.
Retain five (5) years thereafter.

| | | |
|--------------|--|---|
| SECTION 3.11 | <p>Mail Ballots Municipal ballots for mail voters for candidates, referenda, and questions at local elections. May include paper ballots or irregular ballots.</p> | <p>Retain until the first day of September in the second year after such ballots were cast.</p> |
| SECTION 4 | <p>Administration</p> <p>General Office Administrative Records</p> <p>Fiscal Records Reference Records Personnel Records</p> <p>Payroll Records</p> | <p>See Records Retention Schedule #1</p> <p>See Records Retention Schedule #2</p> |
| SECTION 4.1 | <p>CVR Reports Alphabetical print-out of names added to and deleted from current municipal voting list. Supplied to the Central Voter Registry (CVR). Data includes voter identification number, name, address, date of birth, process date, reason for removal.</p> <p>(a) Weekly Reports Weekly compilation of all new voter registration, address change, and removal.</p> <p>(b) Monthly Reports Compilation of all new voter registrations placed on the active voting list for the previous month.</p> <p>(c) Annual Report of 5-year Removals Compilation of all voter registrations removed from the active voting list that have met the 5-year requirement due to inactivity or death.</p> | <p>Retain one (1) year.</p> <p>Retain one (1) year.</p> <p>Retain four (4) years.</p> |

| | | |
|-------------|---|---|
| SECTION 4.2 | Death Notices Monthly record of deceased persons forwarded by the office of the municipal registrar of births, marriages, and deaths. | Retain one (1) year. |
| SECTION 4.3 | Voting Books Records of votes cast for candidates, referendum questions, bonds, etc. Includes individual machine tallies and totals of votes cast. May include actual machine ballots. Signed by the warden and clerk. | Permanent |
| SECTION 4.4 | Election Books Record of elections occurring within each municipality. Includes type of election, name of candidates, offices sought, votes by district, number of mail ballots. | Permanent. |
| SECTION 4.5 | Minute Books Minutes of Board of Canvassers meetings including agendas. | Permanent. |
| SECTION 4.6 | Certificates of Records Destruction Certification forms submitted to and signed by the State Archivist/Public Records Administrator authorizing the disposal of records under the retention periods listed in this and other applicable schedules. | Permanent. |
| SECTION 4.7 | Voting District Maps Maps indicating current voting district boundaries and numbers. | Permanent. |
| SECTION 4.8 | Voting District Street Books Alphabetical lists of street (and house numbers where street encompasses more than one district) giving senatorial, representative and ward numbers. | Retain as long as voting district lines remain the same, one plus one year. |
| SECTION 4.9 | Census Card Index Alphabetical street index detailing registered voters within each voting district. | Retain as long as voting district lines remain the same |

plus one year.

| | | |
|--------------|---|---|
| SECTION 4.10 | Naturalization Papers and Index Proof of citizenship papers or index indicating name, address, country and date of birth and naturalization. May include Department of Labor and Commerce jackets of naturalization papers, certificates of naturalization, state and U.S. circuit court naturalization. | Permanent. |
| SECTION 4.11 | Oath of Office Record of sworn oaths by members of Board of Canvassers. | Retain six (6) years. |
| SECTION 4.12 | Poll Workers Lists Lists submitted by state party committee chairmen of persons to work at polling places as wardens, moderators, clerks, supervisors, checkers, and poll watchers. | Retain until updated superseded, or of no administrative value. |
| SECTION 4.13 | Election Officers Certificates Certificates of qualification and instruction of election officials. May include affidavits verifying same. | Retain one (1) year. |

Note: Authorization to dispose of records must be obtained from the State Archives using the Certification of Records Destruction (Form RI/PRA 003). Approved Certificates must be kept as a permanent record.

Note: When records are eligible for destruction, as a matter of procedure, consult your legal counsel or city/town solicitor.

This Records Retention Schedule has been developed by the Rhode Island Local Government Records Program of the State Archives in an effort to assist government officials in the proper management of public records.

Barbara E. Robertson, CMC Town Clerk

Records the registration of livestock within the municipality.

| | | |
|---|--|-------------------------------------|
| SECTION 1.5 | Tax Books | Permanent. |
| | Records that indicate all assessed taxes on real and personal property. Includes name of owner of property, address, assessed worth and exemptions. | |
| | (a) Authorized or warranted copies of tax books, rolls or lists. | |
| | (b) Duplicate copies. Retain until updated or superseded. | |
| Note: Official or record copy may be held by Municipal Tax Collector. | | |
| SECTION 1.6 | Assessor's Maps | Retain until updated or superseded. |
| | Copies of land value maps which show assessor's plat and lot numbers. | |
| Note: Official or record copy should be held by Municipal Tax Assessor. | | |
| SECTION 1.7 | Recorded Surveys | Permanent. |
| | Plan or map showing the measurements, dimensions, descriptions, boundaries, areas and contours of a parcel of property (RIGL § 34-13-1.). | |
| SECTION 1.8 | Plat Maps | Permanent. |
| | Plat map or plat book that contains the legal description of land, showing the division of the land into streets, blocks and lots and indicating the measurements of the individual parcels. Indicates legal plat and lot numbers (RIGL § 34-13-1.). | |
| SECTION 1.9 | Condo Maps | Permanent. |
| | Includes name and boundary survey of condominiums, legal description, location and dimensions (RIGL § 34-36.1-2.09). | |
| SECTION 1.10 | State Highway Maps | Permanent. |
| | State Highway Maps filed by the Rhode Island Department of Transportation | |

(RIDOT) indicating the taking of municipal property by condemnation. Information includes condemnation plat and lot numbers and plat, lot and parcel descriptions.

Note: Original copy held by RIDOT.

| | | |
|--------------|--|--|
| SECTION 1.11 | Indices Location and cross-reference systems devised and maintained for the purpose of retrieving land records, plans, drawings, and maps. Includes Grantor/Grantee index. | Retain until updated or superseded. |
| SECTION 1.12 | Hospital Lien Docket Register which records the filing of any lien claim under the provisions of RIGL § 9-3-4. to 9-3-7. | Retain ten (10) years from last entry. |
| SECTION 1.13 | Notices of Removal of Household Goods, Chattels and Personal Effects of Residents Report indicating removal of household goods, chattels, and personal effects from one residence to another (RIGL § 5-17-2.). | Retain six (6) years after filing. |
| SECTION 1.14 | Business Name Register Record that registers the names of businesses located within the municipality. Includes name and address of owner and date of registration. | Retain until of no administrative value, then review for historical value. |
| SECTION 2 | Probate Records | |
| SECTION 2.1 | Probate Records (Dockets) All records relating to the legal establishment of the validity of a will. Includes but it is not limited to administrator's or executor's bonds, inventories, petitions, (including withdrawn or denied), fee cards, wills, notices of probate hearings and inheritance tax liens. | Permanent. |

| | | |
|-------------|--|--|
| SECTION 2.2 | <p>Probate Records Indices Location and cross-reference systems devised and maintained for the purpose of retrieving probate and estate records.</p> | Retain until updated or superseded. |
| SECTION 2.3 | <p>Wills deposited to be safely kept. (RIGL § 33-7-1.)</p> | Retain one hundred (100) years from deposit date. |
| SECTION 3 | <p>Vital Records</p> | |
| SECTION 3.1 | <p>Birth, Marriage and Death Records Births, marriages and deaths registered in the municipality. Includes marriage intentions, delayed births, juvenile marriages (RIGL § 15-2-11.) and recorded out of state deaths of residents.</p> | Permanent. |
| SECTION 3.2 | <p>Birth, Marriage and Death Returns Individual filings of births, marriages and deaths occurring within the municipality.</p> <p>Note: Returns may be transferred to the State Archives.</p> | Permanent. |
| SECTION 3.3 | <p>Marriage License Worksheets Rhode Island Department of Health Form (VS-4A) required for the issuing of marriage licenses.</p> <p>(a) Worksheets filled out prior to November 1998.</p> <p>(b) Worksheets filled out from November 1998 and original sent to the Department of Health, Division of Vital Statistics.</p> | <p>Retain three years.</p> <p>If municipality chooses to photo-copy record, retain three (3) years.</p> |
| SECTION 3.4 | <p>Vital Records Requests Requests for certified or non-certified copies of birth, marriage and death records.</p> <p>(a) Requests for restricted vital records.</p> <p>(b) Requests for open vital records.</p> | <p>Retain ten (10) years. (Office of the Attorney General RIGL § 9-1-28.1)</p> <p>Retain one (1) year.</p> |

| | | |
|-------------|---|---|
| SECTION 3.5 | <p style="text-align: center;">Vital Records Indices</p> <p>Location and cross-reference systems devised and maintained for the purpose of retrieving birth, marriage and death records.</p> | Retain until updated or superseded. |
| SECTION 3.6 | <p style="text-align: center;">Cemetery Records</p> <p>Agreements, burials, deeds, perpetual care agreements (RIGL § 23-18-8.1.) and indexes.</p> | Permanent. |
| SECTION 3.7 | <p style="text-align: center;">Burial Transit Permits</p> <p>Department of Health Form (VS-9) for burial and transit. May include out-of-state permits. (RIGL § 23-3-18.)</p> | Permanent. |
| SECTION 3.8 | <p style="text-align: center;">Disinterment, Transit, and Reinterment Permits</p> <p>Department of Health Application (VS-29) for disinterment, transit and reinterment. (RIGL § 23-18-11.2.)</p> | Permanent. |
| SECTION 4 | <p style="text-align: center;">Administration</p> <p>General Office Administrative Records Fiscal Records Reference Records Personnel Records Payroll Records</p> | <p>See Records Retention Schedule #1</p> <p>See Records Retention Schedule #2</p> |
| SECTION 4.1 | <p style="text-align: center;">Blasting Notifications</p> <p>Notifications and copies of blasting permits issued by the State Fire Marshall's Office sent to and signed and date stamped by municipal clerk. Indicates date approved, requester's name and address and date of expiration. May include attached correspondence by other municipal offices indicating approval or objections to project.</p> | Retain one (1) year. |

| | | |
|-------------|---|--|
| SECTION 4.2 | <p style="text-align: center;">State Regulatory Agency Notices</p> <p>Notices by state regulatory agencies forwarded to municipal clerk pursuant to statutory regulations. May include but not limited to copies of locus maps, surveys, meeting notices, meeting cancellation notices, notices of applications filed for state assent, agency findings and decisions, meeting agendas, preliminary determinations, and description of projects.</p> | Retain one (1) year. |
| SECTION 4.3 | <p style="text-align: center;">Licenses and permits</p> <p>Includes application information or other documentation in connection with a state or local licensing/permit process. May include but not limited to dog licenses, hunting and fishing, private detective, peddler, auto salvage, flea market, filling station, Sunday sales, liquor and firearms.</p> <p>If Licensing Authority:</p> <p>(a) Firearms and alcoholic beverages.</p> <p>(b) All other licenses and permits.</p> <p>If Not Licensing Authority:</p> <p>(c) Copies and notifications/notices of licenses and permits issued.</p> | <p>Retain ten (10) years after expiration.</p> <p>Retain three (3) years after expiration.</p> <p>Retain one (1) year.</p> |
| SECTION 4.4 | <p style="text-align: center;">Military Discharges</p> <p>Honorable discharges and/or separation papers filed in the office of the municipal clerk pursuant to RIGL § 30-18-1.</p> | Permanent. |
| SECTION 4.5 | <p style="text-align: center;">Registers</p> <p>Appointed officials, clergy, and physicians.</p> | Permanent. |
| SECTION 4.6 | <p style="text-align: center;">Claims</p> <p>Claims filed against the municipality for compensation. Includes but is not limited to initial letter of contact with municipality, attorneys' correspondence to municipality, copies of court judgments, motions to</p> | |

dismiss, copies of receipts for payment of damages, and estimates citing damage.

(a) Paid or settled claims.
after settlement.

Retain seven (7) years

SECTION 4.6

(b) Claims referred to subcontractor in
(Continued) charge of project or State agency.
(c) Denied claims.

Retain three (3) years.

Retain three (3) years from date of
decision.

SECTION 4.7

Reports

Internally generated reports including reports
and returns to other municipal departments
and state agencies.

(a) Daily and weekly reports.

Retain one (1) year.

Note: Reports required in audit process
must be retained one (1) year after audit
is completed.

(b) Monthly, quarterly and periodic reports.

Retain three (3) years.

(c) Annual and special reports and studies.

Permanent.

Note: Official or record copy of annual reports generated by departments of municipal governments should be held by the agency that created the report.

SECTION 4.8

Legal Advertisements

Notices sent by the municipal clerk to
newspaper(s) for publication. Content
includes time, date and location of meeting,
and topics to be discussed or considered.
May indicate which newspapers received
notice(s), where notice was posted, and
which municipal officials received copies.
May include but not limited to meeting
notices of council, notices indicating
changes in operating hours of municipal
offices, invitation to submit bids and
proposals, tax assessor's notices, decrees of

Retain one (1) year
after audit.

abandonment, and licenses to be considered before council.

Note: Official or record copy of Council, commissions, committees, boards or Financial Town meeting notices should be kept as part of LG4.1-Town and City Council Records - Meetings and Hearings.

SECTION 4.9 **Certificates of Records Destruction** **Permanent.**
Certification of Records Destruction forms (PRA 003) signed by authorized agency official and submitted to, and signed by, the State Archivist/Public Records

Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules.
(RIGL § 38-1-10, § 38-3-6, and § 42-8.1

**ARTICLE IX General Office Administrative
Records**

SECTION 1 Administration Records

SECTION 1.1 General Correspondence

Documents relating to the general activity of the office. Included are correspondence, memos, notices, brochures. Cut off at the end of the calendar year. Retain current plus 1 year, then discard.

SECTION 1.2 Subject Correspondence

Documents relating to specific subjects. Included are correspondence, memos. retain until superseded or no longer needed, then discard. Cut off at the end of the calendar year.

SECTION 1.3 Interagency Correspondence

Documents relating to contact between one agency and others. Included are correspondence, memos. Cut off at the end of the calendar year. Retain current plus 1 year then discard.

SECTION 1.4 Interdepartmental Memos

Documents relating to contact between divisions within a department. Included are Cut off at the end of the calendar year. Retain current plus 1

memos.

year, then discard.

SECTION 1.5 Mail Logs

Documents relating to the general activity of the office. Included are mail logs which record all incoming correspondence, by date, name of sender, and subject.

Cut off at the end of the calendar year.

Retain current plus 1 year, then discard.

SECTION 1.6 Policy Memos

Documents relating to agency policy. Included are policy memos.

Cut off at the end of the calendar year.

Retain until superseded or no longer needed, then discard.

SECTION 1.7 Phone Logs

Documents relating to incoming telephone calls. Included are logs which record all incoming calls.

Cut off at the end of the calendar year.

Retain current plus 1 year, then discard.

SECTION 1.8 Personnel Case Files

Documents relating to personnel employed by the agency. Included are job application forms (CS-14), personnel action forms (CS-3), copies of transmittal letters, health insurance forms, probationary reports, letter of reprimand, course application forms, request for leave forms, accident and injury report forms, absent from work forms, grievance forms, copies of transcripts of grievance hearings, medical reports.

Purge annually of outdated or no longer needed records. Cut off upon termination of employee and transfer to inactive. Retain for 3 years after termination, then discard.

SECTION 1.9 Personnel Injury File

Documents relating to personnel injured on the job. Included are personnel injury reports.

Transfer to Personnel Case File.

SECTION 1.10 Labor Relations Case File

Documents relating to labor relations and union activities. Included are results of union elections, certificates of fairness of

Retain until updated or superseded, then discard.

elections, lists of employees eligible to vote.

SECTION 1.11 Personnel Sign-Out File
Included are sign-out sheets. and discard.

Cut off after 6 months

SECTION 1.12 Personnel Absentee File
Included are weekly absentee lists.

Cut off at the end of
the calendar year.
Retain current plus 6
months.

SECTION 1.13 Job Application Case Files
Documents relating to individuals who apply
for positions in the agency. Included are job
application forms, resumes, letters of
reference, interview notes.

Cut off at the end of
the calendar year.
Retain for 3 years,
then discard.

SECTION 1.14 Affirmative Action File
Documents relating to department
affirmative action programs. Included are
Equal Employment Opportunity Guidelines,
Affirmative Action Guidelines.

SECTION 1.15 Personnel Request File
Documents relating to requests for
additional personnel. Included are personnel
request forms.

Retain until filled or
request withdrawn,
then discard.

SECTION 1.16 Job Description File
Documents relating to positions within the
agency. Included are job classifications and
descriptions.

Retain until
superseded, then
discard.

SECTION 1.17 Payroll Records Case File
Documents relating to agency payroll.
Included are payroll adjustment forms,
exceptional hours reports, payroll registers,
payroll adjustments, payroll distribution and

Cut off at the end of
the fiscal year and
retain for audit. After
audit discard all
except current plus 1 analysis register. year.

SECTION 1.18 Employee Time Sheets
Documents relating to activities of
department employees. Included are weekly

Cut off at the end of
the month. Retain 6
months, then discard.

time sheets.

SECTION 1.19 Employee Time Cards

Documents relating to the activity of department employees. Included are weekly time cards.

Cut off when employee terminates or transfers. Transfer to Personnel Case File.

SECTION 1.20 Department Annual Report

Documents relating to the annual activity of the agency. Included are department annual reports.

Retain permanently.

SECTION 1.21 Department Annual Report Work Papers

Discard when annual report is completed.

SECTION 1.22 Division Annual Reports

Documents relating to the annual activities of the office. Included are division annual reports.

Retain until department annual report is completed, then discard.

SECTION 1.23 Division Annual Report Work Papers

Documents used in the preparation of the division annual report. Included are work papers.

Discard when division annual report is completed.

SECTION 1.24 Section Annual Reports

Documents relating to the activities of the section. Included are section annual reports.

Discard when section annual report is completed.

SECTION 1.25 Section Annual Report Work Papers

Included are work papers used to prepare the

Discard when section annual report is completed. section annual report.

SECTION 1.26 Rules and Regulations File

Documents relating to the activities of the office. Included are rules and regulations governing the conduct of the office.

Retain until superseded, then discard.

SECTION 1.27 Staff Meetings Minutes

Documents relating to office staff meetings. Included are minutes of meetings.

Cut off at the end of the calendar year.

SECTION 1.28 Committee/Commission Meeting Minutes Retain permanently.

Documents relating to meetings of the commission or committee governing an agency. Included are minutes of meetings.

SECTION 1.29 Professional Organizations Case File

Documents relating to professional organizations to which employees belong. Included are publications, meeting agenda, proceedings of convention meetings, handouts from conventions, notes taken at conventions.

Retain until superseded or no longer needed.

SECTION 1.30 Legislation Case File

Documents relating to laws and proposed legislation affecting the agency. Included are copies of legislation, copies of proposed bills, related correspondence.

Cut off at the end of the calendar year. Retain until superseded or no longer needed, then discard.

SECTION 1.31 Office Equipment Inventory Case File

Documents relating to equipment and furniture in the office. Included are inventory cards, inventory sheets.

Retain until updated, then discard.

SECTION 1.32 Public Relations Case File

Documents relating to the public relations activities of the agency. Included are copies of news releases, brochures, copies of speeches.

Cut off at the end of the calendar year. Retain until no longer needed, then discard.

SECTION 1.33 Newspaper Clippings

Documents relating to newspaper coverage of the agency. Included are newspaper clippings. no longer needed.

Make copies and discard originals. Discard copies when

SECTION 1.34 Annual Work Plans File

Documents relating to the proposed work for the upcoming year. Included are annual work plans.

Retain until superseded, then discard.

SECTION 1.35 Annual Work Plans Working Papers

Retain until work plan

Documents relating to the annual work plan. Included are work papers used in the preparation of the work plan.

is completed, then discard.

SECTION 1.36 Long-Range Plans File (e.g. 5 year Plans)

Documents relating to long-range planning. Included are long-range (e.g. 5 year plans).

Retain until superseded, then discard.

SECTION 1.37 Building Blueprints File

Documents relating to the building in which the agency is housed. Included are blueprints.

SECTION 2 Fiscal Records - General Offices*

*** Fiscal Records - Finance Director, Treasurer, Tax Collector - See Section 3**

SECTION 2.1 Purchase Requisition File

at the end of the fiscal year and retain for audit. After audit discard all except current plus 1 year. Duplicates - cut off at the end of the fiscal year. Retain current plus 1 year or as needed.

Official Copy - cut off

SECTION 2.2 Purchase Orders

at the end of the fiscal year and retain for audit. After audit discard all except current plus 1 year. Duplicates - cut off at the end of the fiscal year. Retain current plus 1 year or as needed.

Official Copy - cut off

SECTION 2.3 Utility Purchase Orders

at the end of the fiscal

Official Copy - cut off

year and retain for audit. After audit discard all except current plus 1 year. Duplicates - cut off at the end of the fiscal year. Retain current plus 1 year or as needed.

SECTION 2.4 Invoice Vouchers Official Copy - cut off
at the end of the fiscal year and retain for audit. After audit discard all except current plus 1 year. Duplicates - cut off at the end of the fiscal year. Retain current plus 1 year or as needed.

SECTION 2.5 Travel Expense Vouchers Official Copy - cut off
at the end of the fiscal year and retain for audit. After audit discard all except current plus 1 year. Duplicates - cut off at the end of the fiscal year. Retain current plus 1 year or as needed.

SECTION 2.6 Imprest Cash Vouchers Official Copy - cut off
at the end of the fiscal year and retain for audit. After audit discard all except current plus 1 year. Duplicates - cut off at the end of the fiscal

year. Retain current plus 1 year or as needed.

SECTION 2.7 Imprest Cash Receipts Vouchers

at the end of the fiscal year and retain for audit. After audit discard all except current plus 1 year. Duplicates - cut off at the end of the fiscal year. Retain current plus 1 year or as needed.

Official Copy - cut off

SECTION 2.8 Controller's Statements A,B,C,D (Monthly Financial Reports)

Official Copy - cut off at the end of the fiscal year and retain for audit. After audit discard all except current plus 1 year. Duplicates - cut off at the end of the fiscal year. Retain current plus 1 year or as needed.

SECTION 2.9 Report of Equipment Acquired Forms

Official Copy - cut off at the end of the fiscal year and retain for audit. After audit discard all except current plus 1 year. Duplicates - cut off at the end of the fiscal year. Retain current plus 1 year or as needed.

SECTION 2.10 Report of Obsolete or Surplus Equipment

Official Copy - cut off at the end of the fiscal year and retain for audit. After audit discard all except

current plus 1 year.
Duplicates - cut off at
the end of the fiscal
year. Retain current
plus 1 year or as
needed.

SECTION 2.11 Vendor Case File

Documents relating to purchase made from a particular vendor. Included are purchase requisitions, purchase orders, purchase order vouchers, requests for delivery forms, invoices, invoice vouchers, receipts vouchers, utility purchase orders, contract purchase orders, receipts transmittal vouchers.

Cut off at the end of
the fiscal year and
retain for audit. After
audit, discard all
except current plus 1
year.

SECTION 2.12 Budget Code Case File

Documents relating to purchases made through specific budgets (numbered by code). Included are all of the above plus travel expense vouchers.

Cut off at the end of
the fiscal year and
retain all except
current year plus 1
year, then discard.

SECTION 2.13 Cash Receipts Case File

Documents relating to monies received by the agency. Included are cash receipts, receipts journals, cash register tapes.

Cut off at the end of
the fiscal year and
retain for audit. After
audit discard all
except current plus 1
year.

SECTION 2.14 Bad Check Case File

Documents relating to checks received by the state which have been returned for insufficient funds. Included are checks, notices of return of checks, debit memos, correspondence.

Cut off at the end of
the fiscal year. Retain
current plus 5 years,
then discard.

SECTION 2.15 Accounts Receivable Case Files

Documents relating to monies owed the agency. Included are receipted invoices, related correspondence.

Cut off at the end of
the fiscal year and
retain for audit. After
audit discard all
except current plus 1

year.

SECTION 2.16 Service Contracts Case File-Original Cut off upon
Documents relating to services contracted from private businesses (e.g. repair and maintenance contracts, service contracts). Included are contracts, related correspondence. termination of contract and retain for audit. After audit discard all except current plus 1 year.

SECTION 2.17 Service Contracts Duplicate File Cut off and discard
Documents related to services contracted from private businesses. Included are copies of contracts . upon termination of contract.

SECTION 2.18 Audit Reports File Cut off upon
Documents relating to the auditing of financial records. Included are audit reports. completion of audit.
Retain current plus 1 year in office.
Transfer to Records Center. Retain for 5 years, then discard.

SECTION 2.19 Audit Work Papers Cut off upon
Included are work papers used in preparation of an audit report. completion of audit.
Retain current plus 1 year in office.
Transfer to Records Center. Retain 5 years, then discard.

SECTION 2.20 Annual Financial Reports File Cut off at the end of
Documents relating to annual financial reports. Included are annual financial reports. retain for audit. After audit discard all except current plus 1 year.

SECTION 2.21 Annual Financial Reports Work Papers Retain until annual
report is completed, then discard.

SECTION 2.22 Ledger Book File Cut off at the end of
Documents relating to department the fiscal year and

expenditures and receipts. Included are ledger books. audit discard all except current plus 1 year. retain for audit. After

SECTION 2.23 Budget Request Case File Cut off at the end of the fiscal year. Retain until no longer needed, then discard.
 Documents relating to the annual budget of the division. Included are budget requests, budget work papers.

SECTION 3 Fiscal Records - Finance Director, Treasurer, Tax Collector

SECTION 3.1 Accident Reports Active plus six (6) years

SECTION 3.2 Assignments, Attachments, etc. Five (5) years after satisfaction

SECTION 3.3 Audit, annual, original Permanent

SECTION 3.4 Bank deposit books Six (6) years after last entry
 statements Audit plus five (5) years

SECTION 3.5 Bids, successful Three (3) years after completion
unsuccessful Three (3) years after submission

SECTION 3.6 Bonds, bid-vendor Active plus one (1) year
cancelled Audit plus one (1) year
coupons Audit plus one (1) year
register Permanent
surety Six (6) years after expiration

SECTION 3.7 Budget, annual, original Permanent
work papers Two (2) years
departmental requests Two (2) years

SECTION 3.8 Cash book or sheets Audit plus five (5) years
records, daily Audit plus one (1) year

| | | |
|---------------------|--|--|
| SECTION 3.9 | Check cancelled register stubs | Audit plus five (5) years Audit plus five (5) years Audit plus five (5) years |
| SECTION 3.10 | Claims, negligence, for payment | Seven (7) years after settlement |
| SECTION 3.11 | Contracts | |
| | bridges, buildings, roads, sewers, etc. | Three (3) years after life of the project |
| | general | Three (3) years after final payment |
| SECTION 3.12 | Correspondence and memoranda | |
| | general, routine | Current plus one (1) year |
| | special | Current plus three (3) years |
| | policy nature, advisory | Until superseded |
| SECTION 3.13 | Deposit slips | Audit plus five (5) years |
| SECTION 3.14 | Employees | |
| | earning records, individual tax withholding notices exemption notices | Five (5) years after termination Five (5) years after being superseded Five (5) years after being superseded |
| | time cards | Six (6) years after posting |
| SECTION 3.15 | Equipment operating cost records | Five (5) years |
| SECTION 3.16 | Insurance policies and records | Seven (7) years after expiration |
| | accidental and health, automobile, burglary, fidelity and surety, fire and life | |
| SECTION 3.17 | Invoices | |
| | originals | Six (6) years |
| | copies | One (1) year |
| SECTION 3.18 | Journals | |
| | cash disbursements | Audit plus six (6) years |
| | cash receipts | Audit plus six (6) years |
| | departmental transfers | Audit plus one (1) year |
| | general | Seven (7) years after last entry |
| | payroll, original | Seven (7) years |

| | |
|--|---|
| SECTION 3.19 Leases | Five (5) years after expiration |
| SECTION 3.20 Ledgers | |
| accounts receivable | Audit plus six (6) years |
| appropriations, annual | Audit plus six (6) years |
| construction costs | Audit plus six (6) years |
| SECTION 3.21 Packing slips, bill of lading | Three (3) years after receipt |
| SECTION 3.22 Procedures, standard operating | Until superceded |
| SECTION 3.23 Purchase orders | Audit plus six (6) years |
| SECTION 3.24 Receipts, stubs and copies for all cash received | Audit plus one (1) year |
| SECTION 3.25 Receiving book reports, original | Ten (10) years after last entry One (1) year |
| SECTION 3.26 Requisitions | |
| original | Audit plus six (6) years |
| copies | One (1) year |
| SECTION 3.27 Reports | |
| annual audit | Permanent |
| annual, agencies, chief fiscal officer and department heads | Seven (7) years |
| periodic, agencies, chief fiscal officer and department heads | Three (3) years |
| SECTION 3.28 Signature card, authorization | Six (6) years after withdrawn |
| SECTION 3.29 Specifications for materials | Audit plus six (6) years |
| SECTION 3.30 Tax withholding certificates employer copies | Five (5) years after posting or superceded |
| SECTION 3.31 Time summaries, cumulative | Five (5) years after posting |
| SECTION 3.32 Travel expenditure records | |
| original | Audit plus six (6) years |
| copies | One (1) year |

SECTION 3.33 Vouchers, w/attached invoices Audit plus six (6) years

SECTION 3.34 Warranties, guarantees, vendors Until property is disposed of

SECTION 4 Reference Records

SECTION 4.1 Technical Reference File Retain until updated,
 Documents used as a source of technical superseded or no
 reference. Included are technical manuals, longer needed, then
 technical periodicals, procedural manuals, discard.
 instructional manuals.

SECTION 4.2 General Reference File Retain until updated,
 Documents used as a source of general superseded or no
 reference. Included are reference books, longer needed, then
 brochures, manuals, printed and published discard.
 reports.

History of Ordinance: Adopted by the Town Council, September 16, 1993, effective October 13, 1993; amended - Article III and IV July 17, 1997 and effective August 12, 1997; amended - Article II on August 21, 1997 and effective September 18, 1997; amended - Article V on November 20, 1997, effective December 15, 1997; amended - Article VI and Article VII on October 15, 1998, effective November 9, 1998; amended - Article VIII on May 17, 2001; effective June 12, 2001; amended - Article IX on December 19, 2002; effective January 16, 2003.

Jean M. Fecteau,
 Town Clerk

**SECTION 15
 RECREATION**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-15-01

PUBLIC RECREATION AREAS

1. No person shall operate a motor vehicle, motorcycle, snowmobile or so-called mini-bike within any recreation area except in the designated parking areas.
2. No person or automobile shall be allowed within the limits of a town recreation or beach area between the hours

of 9:00 p.m. and 6:00 a.m. except by permission from the Gloucester Town Council.

3. No person shall bring onto any town beach any animal during the bathing season from May 15th through September 30th. Nor shall any person leave an animal unattended in any automobile.
4. No person shall possess, drink, sell or offer for sale any intoxicating beverages within the limits of any town beach or recreation area without the permission of the Town Council.
5. The use of any firearms or bows and arrows is prohibited in all recreation areas.
6. No person shall bathe in the waters of a town recreation area except when and at a place where bathing is officially permitted, nor shall any person disrobe other than in properly designated buildings.
7. No person shall use profane or indecent language, or in any manner annoy another person or commit any disorderly or indecent act within the limits of a town beach or recreation area.
8. No person shall distribute or exhibit at any town park or other recreation area any printed or written material of a commercial nature without permission from the Town Council.
9. No person shall offer for sale at any town park or other recreational area any goods or services of a commercial nature without the permission of the Town Council.
10. Taking baths in all ponds and waterways situated in all recreation areas is hereby prohibited.
11. No open fires without a fire permit.
12. No person shall bring into any recreation area any refuse, garbage or other materials for the purpose of disposal.
13. All refuse and waste material shall be deposited in receptacles provided for that purpose and shall not be left on the grounds or waters.
14. No person shall cut, remove or damage any tree or shrub or vegetation except with official written permission, nor shall any person deface any structure, sign or other public property or improvements.
15. No person shall be allowed within the limits of a town beach area, or the town parking lot pertinent thereto, unless such person is either a resident of the Town of Gloucester, a non-resident paying property taxes to the Town of Gloucester or the guest of such resident or property taxpayer. Under no circumstances shall a business invitee be considered a guest of a resident of the town or a non-resident taxpayer.

Residents of the Town of Gloucester and non-residents paying property taxes to the Town of Gloucester shall obtain an official town sticker in the office of the town clerk or the Director of Public Works, and shall display such sticker on any vehicle parked in the town parking lot pertinent to the town beach area.

16. Any person who violates the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not to exceed twenty dollars (\$20.00) for each violation, or imprisonment not to exceed ten (10) days.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council, July 9, 1971; AMENDED February 9, 1973; AMENDED August 13, 1976; AMENDED June 11, 1987; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-15-02
OPERATION OF MOTOR BOATS AND OTHER WATER CRAFT

SECTION 1.

From and after the effective date of this Ordinance, no motorboat or other water craft, while being operated upon waters within the boundaries of the Town of Gloucester shall be operated within a clearly marked public bathing area on the shores of the waters of said Town.

SECTION 2.

No motorboat or other water craft upon the waters within the boundaries of the Town of Gloucester shall be operated at a speed of more than 35 miles per hour or in a reckless or negligent fashion upon the waters within the boundaries of the Town of Gloucester.

SECTION 3.

No person shall operate any motorboat, vessel, or seaplane in a manner which shall unreasonably or unnecessarily interfere with any other motorboat, vessel, or seaplane, or with the free and proper navigation of the waterways of the state. Anchoring under bridges or in heavily traveled channels shall constitute such interference if unreasonably under the prevailing circumstances.

SECTION 4.

Motor boat operators shall obey lawful directions given to them by any Police Officer of the Town of Gloucester or authorized employee of the Department of Environmental Management in enforcement of the provisions of this Ordinance and shall immediately, upon being so instructed, comply with said lawful directions.

SECTION 5.

The word "motorboat" as used herein shall include any vessels propelled in whole or in part by mechanical means, either inboard or outboard and using a motor powered by gasoline, diesel fuel, naphtha, kerosene, steam

or fuel oil. The word "water" shall include all lakes, rivers, streams, ponds or other bodies of water located within or partly within the boundaries of the Town of Gloucester.

SECTION 6.

Any person who violates any of the provisions of this Ordinance shall be fined as provided in Section 1 of the Appendix.

SECTION 7.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED September 11, 1953; AMENDED February 12, 1981; AMENDED July 10, 1986; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

**SECTION 16
UTILITIES**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-16-01

POLES AND WIRES

SECTION 1.

Every telephone, Electric Supply Company, telegraph company and cable television company authorized by this town to erect and maintain poles and wires in any of its public highways, shall remove from and out of the traveled portion of said highways all trees and brush cut by said companies in the erection or maintenance of said poles and wires.

SECTION 2.

Every telephone, Electric Supply Company, telegraph company and cable television company violating the provisions of this ordinance shall be fined as provided in Section 1 of the Appendix.

SECTION 3.

This Ordinance shall take effect upon its passage. ADOPTED: Dec. 12, 1991 and EFFECTIVE January 6,

1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council January 11, 1908; AMENDED December 10, 1921; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

**SECTION 17
VEHICLES**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

2-17-01

**AN ORDINANCE REGULATING THE PARKING AND
STORAGE OF CERTAIN VEHICLES**

SECTION 1.

No more than one unregistered, unserviceable, discarded, worn-out or junked automobile, truck or trailer of any kind or type, or bodies, engines, tires, parts or accessories thereof, shall be parked or stored on any property other than (i) in a completely enclosed building; (ii) on a farm; (iii) at a licensed dealership. For the purpose of this Ordinance, an unserviceable vehicle shall mean any vehicle not maintaining a current/valid Rhode Island certificate of inspection pursuant to RIGL 31-38-4. (Amended 9/21/03)

SECTION 2.

Any person who violates the provision of this Ordinance shall be fined upon conviction for the first offense not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment for not less than ten (10) days nor more than thirty (30) days, or both fine and imprisonment, and shall for a second or subsequent conviction be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than thirty (30) days, nor more than six (6) months, or by both fine and imprisonment.

You are requested to remove such prohibited articles from your property. Your property is to be cleared within seven (7) days. If after seven (7) days your property is inspected and you are still in violation, a warrant for your arrest will issue, you will be subject to the fines and penalties as outlined above, and the vehicles or parts thereof may be removed by the police and impounded until lawfully claimed or disposed of in accordance with the above-mentioned ordinance.

Served: _____
Officer: _____
Date: _____

Time: _____

SECTION 4.

The Chief of Police is hereby authorized to remove or have removed any vehicle or parts thereof left at any place within the Town which reasonably appears to be in violation of this ordinance or to be lost, stolen, or unclaimed. Such vehicle or parts thereof shall be impounded until lawfully claimed or disposed of in accordance with Section 5 of this ordinance; provided, however, that any vehicle or parts thereof left at any place shall not be removed and impounded as provided herein until the Chief of Police shall have given written notice to remove such vehicle or parts thereof within seven (7) days of the mailing or delivery of such notice and said vehicle or parts thereof have not been removed at the end of such time. Such notice as provided in Section 3 hereof shall be given by (1) affixing notice on such vehicle or parts thereof (if appropriate), (2) sending notice by mail or delivering notice by hand to the owner of such vehicle at his last known address if the owner is reasonably ascertainable, and (3) by sending notice by mail or delivering notice by hand to the person owning or controlling the property on which such vehicle or parts thereof are located. The Chief of Police may enter upon private property at all reasonable hours for the purpose of inspecting such vehicle or parts thereof, posting notice thereon, and removing and impounding such vehicle or parts thereof, and it shall be unlawful for any person to prevent the Chief of Police from entering on private property for purposes of carrying out his duties under the provisions of this ordinance.

SECTION 5.

The Chief of Police is authorized to store in an appropriate location any vehicle or parts thereof impounded as provided herein. The Chief of Police shall set a date, no sooner than thirty (30) days after the vehicle or parts thereof have been impounded, upon which he shall conduct a public auction sale of all vehicle(s) and/or parts impounded and stored. At least one week before the proposed auction sale, he shall cause to be published in a newspaper of general circulation in the Town of Gloucester a notice of such sale, which notice may contain such information as the make, model and serial number of any vehicle or parts and a general description thereof. At least one week before the proposed auction sale, he shall also mail a notice of the sale by certified mail to the owner of the vehicle, as known, advising him of the date of the sale and notifying him of his right of redemption of the vehicle or parts thereof upon payment of all accumulated costs.

At the sale the vehicle or parts thereof shall be sold at public auction to the highest bidder; provided that the Chief of Police shall have the right to reject any bids deemed insufficient. Any vehicles or parts remaining unsold at the conclusion of the auction sale may be sold by the Town to a junk dealer or other similar business offering the best price therefor.

If the owner of the vehicle or parts is not known, all money realized from the auction sale shall be deposited to the general fund of the Town. If such owner is known, he shall receive the proceeds realized from the sale after deducting all costs of seizure, removal, impounding and storage, costs of the sale and all other reasonable costs.

SECTION 6.

Each day any violation of this ordinance is committed or permitted to continue shall constitute a separate offense and be punishable as such.

SECTION 7.

If any clause, provision or requirement of this ordinance be declared invalid, such action shall not effect the

validity of other clause, provision or requirement hereof.

SECTION 8.

This Ordinance shall take effect upon passage. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council December 13, 1984; CODIFIED: December 12, 1991, EFFECTIVE: January 06, 1992. Amended by the Town Council August 21, 2003, Effective: September 21, 2003.

**CHAPTER III
APPENDIX**

**SECTION 1
FEES**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-01-01

PENALTY AND FEES

SECTION 1. General Penalty; Continuing Violations.

Except as otherwise expressly provided, whenever in this Code or in any other Town Ordinance or Resolution, or in any Rule, Regulation or Order promulgated by any officer of agency of the Town under authority duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any other Ordinance or Resolution of the Town or such Rule, Regulation or Order shall be punished by a fine not exceeding five hundred (\$500,00) dollars or imprisonment for a term not exceeding thirty (30) days.

Except where otherwise provided, every day any violation of this Code or any other Ordinance or Resolution of the Town or such Rule, Regulation or Order shall continue shall constitute a separate offense.

SECTION 2. Dogs and Other Animals.

| | |
|---|---------|
| License Fee: | \$ 7.00 |
| Penalty for failure to license: | \$10.00 |
| Penalty for violation of Ordinance in general: | |
| First offense: | \$20.00 |
| Second offense within one year: | \$30.00 |
| Third and subsequent offenses within one year: | \$35.00 |

Reclamation of impounded dogs: \$10.00 plus \$5.00 for every day the animal is kept beyond the legal detention period; plus an additional \$10.00 if the owner is unable to show that the dog has a current rabies shot.

Licenses, Fees and Other Requirements for Vicious Dogs: As provided in Chapter 13.1 of Title 4 of the Rhode Island General Laws.

AMENDED: May 18, 1994, EFFECTIVE: June 23, 1994.

| | |
|---|---------|
| Adoption Deposit per RIGL 4-19-17, 4-19-18 | \$20.00 |
|---|---------|

AMENDED: June 16, 1994, EFFECTIVE: July 14, 1994.

SECTION 3. Business License Fees.

| | |
|--|--|
| Antique Shop \$25.00 (term - 7/1-6/30) | |
| Bingo (per session) | \$ 5.00 |
| Camping & Travel Trailer Park (term 4/15-10/31) | \$ 1.00 per site |
| advertising costs plus for new applications | \$25.00 |
| Winter Camping & Travel Trailer Park (term 11/01-04/14) | \$ 1.00 per site |
| Commercial Antenna (Television) (term 07/01-6/30) | \$500.00 |
| Detective License | \$150.00 |
| Entertainment License (term 12/01-11/30) | \$200.00 per year |
| \$ 75.00 per week | |
| \$ 50.00 per day | |
| Firearm Dealer License (term 01/01-12/31) | \$ 5.00 |
| Gatherer's License (term 01/01-12/31) | \$ 25.00 |
| Kennel License (term 04/01-03/31) | \$ 25.00 |
| Hotel, Motel, Rooming House (term 07/01-06/30) | up to 4-\$10.00 up to 8-\$15.00 over 9-\$25.00 units w/kitchens-\$25.00 |
| Liquor License (term 12/01-11/30) | |
| Class A (Retail Stores) | \$400.00 |
| Class B-V | \$500.00 |
| Class B-T | \$500.00 |
| Class B-Limited | \$200.00 |
| Transfer of Liquor Licenses | \$25.00 plus advertising cost |
| Hawker's and Peddler's License | \$35.00 per year \$10.00 per day \$15.00 per week |
| Rubbish Removal License (term 01/01-12/31) | \$25.00 |

| | |
|---|---------------------|
| Sunday Business (term 01/01-12/31) | \$35.00 |
| Trade Name | \$10.00 |
| Mobile Home Individual License (term 01/01-12/31) | \$ 5.00 |
| Mobile Home Park License (term 01/01-12/31) | \$200.00 per park |
| PLUS | \$30.00 per trailer |
| Victualling License (term 12/01-11/30) | \$ 50.00 |
| 24 Hour Victualling License (term 12/01/11/30) | \$ 75.00 |
| Yard Sale | \$ 5.00 |

SECTION 4. This Ordinance shall take effect upon its passage. CODIFIED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

SECTION 5. Billiard, Bagatelle, Pool, and Scippo Table and Game Room License Fees

Pool - maximum two (2) tables. (term 2/01-1/31) \$200.00

Penalty for maintenance of unlicensed tables - RIGL 5-2-11.

ADOPTED by the Town Council on December 26, 1992. EFFECTIVE: January 15, 1993.

SECTION 6. Unauthorized Dumping Prohibited-Transfer Station - Article III - Mandatory Recycling

Penalties for violation of this ordinance shall be as follows:

i. Residents violating Section 3

first offense: Written warning

second offense: \$25.00

subsequent offense: \$50.00

ii. Haulers violating Section 4

first offense: Written warning

second offense: \$200.00

subsequent offense: Loss of License

ADOPTED by the Town Council on September 16, 1993, EFFECTIVE: October 13, 1993.

Barbara E. Robertson, Town Clerk

History of Ordinance: CODIFIED by the Town Council December 12, 1991. EFFECTIVE: January 6, 1992.

AMENDED: December 26, 1992. EFFECTIVE: January 15, 1993.; AMENDED: September 16, 1993, EFFECTIVE: October 13, 1993; AMENDED: May 18, 1994, EFFECTIVE: June 23, 1994; AMENDED: June 16, 1994, EFFECTIVE: July 14, 1994.

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-01-02

AN ORDINANCE RELATING TO FEES

FEES.

In all cases of complaints for a violation of any Ordinance of the Town, or a violation of any statute of the State of Rhode Island, all fines, fees, forfeitures and witness, complaint or warrant fees shall be made payable to the General Fund of the Town of Glocester, unless otherwise provided by law.

This Ordinance shall take effect upon its passage and publication as required by law. ADOPTED: Dec. 12, 1991, EFFECTIVE: Jan. 06, 1992.

Barbara E. Robertson, Town Clerk

History of Ordinance: ADOPTED by the Town Council July 12, 1979; CODIFIED December 12, 1991 and EFFECTIVE January 6, 1992.

**SECTION 2
POLICY**

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-01

POLICY AND PROCEDURE FOR ACCESS TO PUBLIC RECORDS

1. All requests for public records access shall be made through the town clerk's office.
2. All individuals requesting access to town records shall first fill out a "Citizens Information Request Form" which is available in the town clerk's office.
3. All requests must be specific in nature.
4. The clerk will then forward a copy of this request from to the appropriate depart. for action.
5. The department director will have ten (10) days to send a written estimate of what the cost would be to research and copy the records.
6. If the individual responds that they in fact do want a copy of the records, the town clerk will make the

request to the department director for the copies. The director will then forward the copies back to the clerk's office. The clerk will contact the individual and set up a time when the records can be paid for and picked up. (We do not handle any accounts receivable in this office. All research and copy costs must be paid for before the information will be released.)

7. All responses shall be kept on file in the town clerk's office.
8. If the individual making the request wants only to view the records, the department director will make an appointment for the citizen to come to their office during normal business hours.
9. A copy of the "Open Records Act" is attached for your referral as to what is considered an open record and what is not considered an open record. The allowable fees for research and copying of open records is part of this law.
10. This policy shall in no way effect the records that are readily accessible in any department on a day to day basis.

ADOPTED by the Town Council on September 19, 1996.

Barbara E. Robertson, CMC Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-02

Capital Projects Policy

Whenever a major capital construction project shall be planned, a Building/Project Committee shall be formed consisting of five (5) qualified electors appointed by the Town Council to be responsible for the planning and supervision of all such construction. The Building/Project Committee shall be formed for no other purpose and shall assume its duties immediately after the appropriation or acquisition of funds for the preliminary planning of a project, and shall continue in office during its construction and until formal acceptance by the Town, or until discharged by the vote of the Council.

2. The Board, by consensus, suggests to the Council that members of any such committee be sought through advertising in local papers; that the committee be required to follow Town Procurement Policy; that the Council be kept informed of progress; and that the Finance Director be kept up to date on project scheduling.

ADOPTED by the Town Council on October 20, 1994.

Barbara E. Robertson, Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-03

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Equal Employment Opportunity is a well known household phrase throughout our community and the nation. The Town Council totally supports the concept of EEO. In addition, we are constantly reminded by the media of the importance and the urgency of our responsibilities in this vital matter. To change the many words spoken and printed on the subject to an active and effective EEO program requires imagination, a true sense of fair play and the will of a dynamic management team to make the program work. The EEO program goal in Gloucester is a total dedication by all concerned to equitably consider qualified personnel for employment, promotion, training and any other personnel action which offers immediate or future opportunity to any individual for a better job or improvement in his or her well-being.

The Council, without reservation, encourages all levels of management to be constantly aware of their responsibilities and opportunities to become personally involved in an Equal Employment Opportunity program which will show measurable results. It is not enough to demonstrate a willingness "to go along" with the program; it is imperative that we, as a team, achieve tangible results. People are our most important resource, regardless of race, color, creed, age, sex or national origin. We must think and act positively to support this important program; the full and effective utilization of the potential of our community's manpower resources depends on it.

It is the firm and forthright policy of the Town of Gloucester to promote the full realization of Equal Employment Opportunity through a continuing affirmative program. This policy does not simply involve the consideration of women and minority group persons (primarily American Indians, Negroes, Orientals and Spanish Americans) who apply to the town for employment, but it requires that the town conduct special recruitment efforts to seek out and hire minority group members and women with career potential. It also encompasses training and development programs to eliminate under utilization of employees presently in the town. Discrimination against any employee or qualified applicant for employment because of race, creed, age, color, sex or national origin is prohibited.

Also prohibited is discrimination because of politics, marital status and physical handicap. All discrimination complaints will be promptly, fairly and impartially considered, and no reprisals will be allowed against a complainant or any representative testifying in the complainant's behalf. Complainants, in turn, must accept their obligation to support their allegation of discrimination in a temperate and factual manner.

POLICY STATEMENT

The Town of Gloucester declares and reaffirms a policy of Equal Employment Opportunity, and of non-discrimination in the provision of all services to the public.

Equal Employment Opportunity

The Town of Gloucester will make all decisions regarding recruitment, hiring, promotions, and other terms and conditions of employment without discrimination on grounds of race, color, creed or religion, sex, national origin, age, physical or mental handicap, or other factors which cannot be lawfully used as the basis of employment decision.

Affirmative Action in Employment

The Town of Gloucester undertakes a program of Affirmative Action, to which good faith efforts will be directed to:

*determine the extent to which minorities and women are under utilized in major categories;

*identify and eliminate the specific causes of such under utilization;

*identify and eliminate all employment practices which have an adverse impact on minorities, women and others protected by applicable law;

*replace such practices by others which are based on merit and valid job qualifications;

*develop substantial applicant pools of validly qualified minorities and women, by recruitment efforts and other means to ensure that sufficient numbers of these groups are included to help reduce their under utilization;

*develop, through recruitment efforts and other measures, applicant pools in which handicapped persons and Vietnam era veterans are represented equitably;

*project goals and timetables to include estimates of the representation of minorities and women likely to result from the operation of this Affirmative Action Plan; and

*establish organizational structures and monitoring systems which will assure effective operation of the Affirmative Action program, achievement of its goals, and means for modification of the plan as needed.

Non-discrimination in Public Service

The Town of Gloucester reaffirms its policy on non-discrimination, on the basis of minority status, sex or other impermissible grounds, in the provision of all services provided to members of the public by all agencies and facilities of the Town.

The Town commits itself to a continuing program to assure that unlawful discrimination does not occur in the service it renders to the public and that those sectors of the public most affected by this policy be kept informed of its contents.

Compliance with Laws

Through the policies and programs set forth in this plan, the Town undertakes to comply fully with all applicable Federal and State Laws relating to Equal Employment Opportunity, Affirmative Action and non-discrimination in public services.

This plan specifically addresses the obligations of the Town under the following laws and regulations:

*Title VI and VII, Civil Rights Act of 1964, as amended;

*Executive Order 11246, as amended;

*Revised Order #4;

*The Equal Pay Act of 1963;

*The Rehabilitation Act of 1973;

*The Vietnam Era Veterans Rehabilitation Act of 1974;

*Title IX of the Education Amendments of 1972;
*Chapter 28-5-5 General Laws of R.I.

ADOPTED by the Town Council on February 04, 1985.

Barbara E. Robertson, Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-04

FAIR HOUSING RESOLUTION

LET IT BE KNOWN TO ALL PERSONS of the Town of Glocester that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing or in the provision of brokerage services because of race, color, religion, sex or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Housing Law). It is the policy of the Town of Glocester to implement programs to ensure equal opportunity in housing for all persons regardless of race color, religion, sex or national origin. Therefore, the Town of Glocester does hereby pass the following resolution.

BE IT RESOLVED that within available resources the Town of Glocester will assist all persons who feel they have been discriminated against because of race, color, religion, sex or national origin to seek equity under federal and state laws by filing a complaint with the Rhode Island Civil Rights Commission or the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the Town of Glocester shall publish this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state or local laws or ordinances.

SAID PROGRAM will at a minimum include, but not be limited to: 1. the printing and publishing of this policy and other applicable fair housing information through local media and community contracts; 2. distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

ADOPTED by the Town Council on January 14, 1988.

Barbara E. Robertson, Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-05

HAZARDOUS MATERIALS RESPONSE

TABLE OF CONTENTS

- I. PURPOSE.....
- II. SITUATION AND ASSUMPTIONS.....
 - A. Situation.....
 - B. Assumptions.....
- III. CONCEPT OF OPERATIONS.....
 - A. Notification Procedures
 - B. On-Scene Response Operations.....
 - 1. Emergency Response Levels.....
 - 2. Incident Command System.....
 - C. Public Warning and Emergency Information.....
 - 1. General.....
 - 2. Emergency Information Procedures.....
 - a. Door-to-Door route alerting.....
 - b. Area route alerting.....
 - c. Emergency Broadcast System (EBS).....
 - D. Protective Actions.....
 - 1. General.....
 - 2. Implementing Public Protective Action.....
 - a. Inplace Sheltering.....
 - b. Evacuation.....
 - c. Terminating Protective Actions.....
- IV. ORGANIZATION AND RESPONSIBILITIES.....
 - A. The Town Council President.....
 - B. The Town Solicitor.....
 - C. Fire Service.....
 - D. Dispatch Center.....
 - E. Police.....
 - F. Planning Department.....
 - G. Dept. of Public Works.....
 - H. Gloucester Emergency Management Agency.....
 - I. School Department.....

- J. Bus Transportation Company.....
- K. Community Emergency Coordinator.....
- L. Red Cross.....
- M. RI Dept. of Environmental Management.....
- N. RI Emergency Management Agency.....
- O. Industry.....
- P. Wastewater.....

V. ADMINISTRATION AND LOGISTICS.....

VI. AUTHORITIES AND REFERENCES.....

- A. Authorities.....
- B. References.....

I. PURPOSE:

This Hazardous Material Response Annex for the Town of Glocester has been prepared to meet statutory planning requirements of the federal Superfund Amendments and Reauthorization Act of 1986 (SARA Title III), and to provide for a higher degree of preparedness to deal with incidents involving hazardous materials. The plan has been specifically designed to serve as an Annex to the Town's Emergency Operation Plan (EOP) and supplements that document. Every effort has been made to integrate the Hazardous Materials Annex with the EOP. In that regard, the Plan is consistent with existing authorities, planning assumptions, systems, and procedures.

II. SITUATION AND ASSUMPTIONS:

A. Situation:

- 1. Extremely hazardous substances are being transported through the Town of Glocester and have the potential for hazardous material incidents. The transportation routes for these chemicals are: RT44, RT. 102, Snake Hill Road, Chestnut Hill Road.

B. Assumptions:

- 1. Potentially dangerous materials are transported through the Town of Glocester. These materials do not present a threat in their controlled environment, however, an accidental release could result in hazardous situations.
- 2. Town government along with the three Fire District (Harmony/Chepachet/West Glocester) is responsible for safety measures or precautions that may be required for public protection until a hazardous situation has been corrected and the material is again in its controlled environment.
- 3. State and Federal Government is responsible for providing needed services and resources which are unavailable to, or not within, the capabilities of local government.

III. CONCEPT OF OPERATIONS:

A. Notification of Procedures:

- 1. This procedure reflects the belief that state response personnel must be immediately notified

of a release.

2. When a hazardous materials incident occurs, notification of the incident can be received in several ways. Most incidents will be reported through the E-911 System to the Gloucester Police Department.
3. Upon notification of a hazardous material emergency, the Dispatch Center shall record all emergency notification information on the Rhode Island SERC Release Report Form (Attachment 3).
4. The Dispatch Center shall immediately alert and inform the local area Fire Dept. of the emergency notification information.
5. At the request of the Incident Commander, the Dispatch Center shall immediately alert and inform the State Emergency Response Commission (SERC) of the emergency notification information via the State Spill Hotline, (401) 274-7745. (The State Spill Hotline is operated by the Rhode Island Emergency Management Agency. Its purpose is to provide a statewide reporting system for hazardous materials spills and to initiate the appropriate State response.)

B. On - Scene Response Operations:

1. The first arriving units must assess the situation for its potential danger to the safety and health of the population in the immediate area. The area will be restricted immediately by law enforcement agencies until the danger or potential danger can be assessed. If evacuation of surrounding areas is warranted, this limited evacuation procedure should be initiated. A command post will be established. All agency representatives called to the scene should report to this point. The Incident Commander on scene shall declare a response level, which may be increased or decreased as more senior officers arrive. A description of Response Levels follows:
 - a. Response Level I - Controlled Emergency Condition:
 1. Incident can be controlled by the primary first responders,
 2. Single jurisdiction and limited agency involvement,
 3. Does not require evacuation, except for structure or facility,
 4. Confined geographic area,
 5. No immediate threat to life, health, or property.
 - b. Response Level 2 - Limited Emergency Condition:
 1. Potential threat to life, health, and property,
 2. Expanded geographic scope,
 3. Limited evacuation of nearby residents or facilities, involvement of more than one jurisdiction,
 4. Specialist or technical team called to the scene,
 5. Combined emergency operations such as fire fighting and evacuation, or containment and emergency medical care,
 6. Requires the establishment of a command post.
 - c. Response Level 3 - Full Emergency Condition :
 1. Serious hazard or severe threat to life, health and property,

2. Large geographic impact,
 3. Major community evacuation,
 4. Multi - jurisdictional involvement,
 5. State and Federal involvement,
 6. Specialists and technical teams deployed,
 7. Extensive resource management and allocation,
 8. Multiple emergency operations,
 9. Requires on scene command post and activation of the community Emergency Operations Center (EOC).
2. Incident Command System:
- a. The Senior Officer of the Fire District having jurisdiction or his designate on scene will act as the Incident Commander (IC) and direct the on - scene operations and coordinate the efforts of all agencies involved in on - site emergency operations related to the incident. The IC will act through the respective agency representatives who will maintain control over their respective forces.
 - b. Because of the nature of most hazardous material incidents, a unified command structure will be used. Under a unified command structure in the Incident Command System (ICS), the implementation of the action plan will be done under the direction of a single individual - the operations chief. The operations chief will normally be from the agency that has the greatest jurisdictional involvement and will be assigned by the Incident Commander.
 - c. The concept of unified command simply means that all agencies who have a jurisdictional responsibility at a multijurisdictional incident contribute to the process of:
 1. Determining overall incident objectives,
 2. Selection of strategies,
 3. Insuring that joint planning for tactical activities will be accomplished,
 4. Insuring that integrated tactical operations are conducted.
 - d. The proper selection of participants to work within a unified command structure will depend upon:
 1. The location of the incident; which political jurisdictions are involved,
 2. The kind of incident; which functional agencies of the involved jurisdictions are involved.
 - e. In Gloucester, the unified command structure table of organization will consist of:
 1. The Fire Department,
 2. The Police Department,
 3. The Principal Responsible Party (PRP) facility representative,
 4. Civil Defense.
 - f. Under this plan, the person in charge of plant personnel and resources will be part of the unified command structure, in an advisory capacity.
 - g. Additional agencies may be included in the decision - making process as their

involvement in the mitigation effort increases. At that time they will become part of the unified command staff and be co-located at the command post (CP).

- h. The fire department (Incident Commander), the Police Department, and ranking officer of requested/required responding agencies will be co-located at the CP with direct access to the Incident Commander.
- i. The IC will coordinate the mitigation of the hazardous materials incident, and the RI Department of Environmental Management shall oversee the clean-up process.
- j. When activities are judged by the safety officer to be unsafe and/or to involve an imminent danger condition, the safety officer shall immediately inform the IC of the existing condition and by mutual agreement take appropriate action.
- k. There will be one command post located at the incident scene. This will be the command post (CP) in close proximity to the incident where the initial control will be exercised by the IC. An access control point located a safe distance from the incident at the best access point to the scene will be controlled by the police department.
- l. A staging area, if implemented, will be located a safe distance away with good access to the incident and where equipment and personnel can be assembled for deployment by the IC. All responding agencies will report to the staging area where the Liaison Officer (LO) will monitor the responding organizations and advise the incident commander of the availability of apparatus, equipment, and personnel.

C. Public Warning and Emergency Information:

1. General:

- a. The purpose of this section is to provide for timely, reliable and effective warning to the public in the event of a hazardous material emergency and to provide emergency information pertaining to the need for protective actions and provide information on the emergency situation to the media.
- b. A release of a hazardous material into the environment could quickly bring harm to the public. The public, however, can be protected through the implementation of protective actions. In order for protective actions to be effective, the public must be first warned, or alerted, that an emergency exists and secondly, instructed on what to do.

2. Emergency Information Procedures:

a. Door-to-Door route alerting:

- 1. Altering and notifying the population by going door to door is usually the first procedure initiated immediately after an incident. Sometimes, especially in transportation emergencies, this procedure may be the only means available for notifying segments of the public.

However, door-to-door route alerting can be very time consuming, a problem in rapidly developing hazardous material incidents.

- 2. Responders who do not have the proper protective equipment must not place themselves at risk by entering a toxic atmosphere in an

attempt to alert the population.

- b. Area route alerting:
 - 1. In this method, motor vehicles equipped with public address systems travel routes, identified by the incident commander to notify people of the emergency situation. The Incident Commander shall determine the appropriate protective action (sheltering in-place evacuation) and, in the event an evacuation is necessary, the general direction toward which evacuees should proceed.
- c. Emergency Broadcast System (EBS):
 - 1. Normally, EBS activation will occur for Level III emergencies (actual or potential) and in the event the entire Town or adjacent communities may be affected.
 - 2. In most cases, it would not be necessary to activate the statewide EBS to notify the entire state of a hazardous material emergency. However, the statewide EBS may be utilized to inform listeners to tune to a particular radio station for further information. Community officials are encouraged to and may develop an agreement with a local radio station to broadcast local emergency information.
 - 3. Activation of the EBS:
 - a. The Incident Commander shall request that the Civil Defense Director or his alternate communicate with the RI Emergency Management Agency (during normal office hours) or the RI State Police to contact radio station WLKW- AM to standby for a statewide EBS announcement.
 - b. The Incident Commander shall select the appropriate protective action, and EBS message, and communicate this to the radio station, through an appointed communications officer. All Communications to the radio station shall be approved by the I/C.
 - c. Communications should be kept open between the radio station and the Incident Commander at all times for further updates. During a serious emergency that would require the use of EBS, updates might be required frequently (at least every 10 minutes).
 - d. Sample EBS messages have been prepared to assist Incident Commanders. The pertinent details are to be filled in to deal with the actual situation. See Attachment 2 to this annex.

D. Protective Actions:

1. General:

To implement actions that would reduce or eliminate public and emergency worker exposure to hazardous materials release into the environment. A release of a hazardous material into the environment could quickly bring harm to public health and can immediately pose life threatening dangers to emergency workers. In-place sheltering and evacuation are protective actions that the public could take to reduce or eliminate their exposure to a

hazardous material.

2. Implementing Public Protective Action:

The Incident Commander shall be responsible for ordering initial protective actions. In a large scale protective action, representatives of the Town Council shall be notified. To be effective, protective actions must be started as soon as the hazard is recognized by the incident commander. Wind borne chemical plumes travel the speed of the wind. For example, if a light breeze of 5 mph is

blowing the plume will travel approximately 5 miles in one hour or one mile in 12 minutes.

a. In Place Sheltering:

Evacuation during incidents involving chemicals is sometimes, but by no means always, necessary. Airborne toxicants can be released and move downwind so rapidly that there would be no time to evacuate residents. For short-term releases, often the most prudent course of action for the protection of the nearby residents would be to remain inside with the doors and windows and the heating and air conditioning system shut off. An airborne release will frequently move past quickly. Additionally, vulnerable populations, such as the sick and elderly, may sustain more injury during evacuation, than they would by staying inside and putting simple countermeasures into effect.

b. Evacuation:

Accidental releases of hazardous materials may require the evacuation of the population. These areas can include those directly affected by toxic fumes and those that may be potentially affected during the course of the incident. Evacuation is a complex undertaking. The considerations to the evacuation plan include:

1. The specific area to evacuate,
2. Protective gear to be worn to conduct evacuation/alert,
3. Instructions to be given to evacuees,
4. Transportation of evacuees who are without private transportation,
5. Assistance to special populations,
6. Shelter locations,
7. Security for evacuated areas,
8. Traffic and pedestrian control,
9. Communication procedures.

c. Terminating Protective Actions:

The Incident Commander shall authorize persons to reenter affected or threatened areas when the RI Department of Health and/or RI Department of Environmental Management advises that reentry is safe.

IV. ORGANIZATION AND RESPONSIBILITIES:

A. The Town Council President:

1. The Town Council President serves as the spokesperson for the Town of Glocester. The Town Council President shall inform the public of what has happened and what the Town

is doing about it. The Town Council President is also the spokesperson on behalf of the Town of Gloucester to the governor, congressional and statehouse representatives.

2. The Town Council President is responsible for making emergency policy decisions, and has the authority to:
 1. Declare a state of emergency for the Town of Gloucester,
 2. Compel the evacuation of all or part of the Town of Gloucester,
 3. Suspend rules and regulations,
 4. Additional powers may be found in R.I. General Law Chapter 30.15.
 5. The line of succession in Gloucester is as follows:
 1. Town Council President,
 2. Town Council.
 6. There is no formally prescribed role for an individual council member in a major hazardous material incident. However, council members and management must develop an understanding of what their respective contributions may be in emergency situations.
 7. If the incident is severe, the Town Council President will summon department heads to the Town Hall, to review and develop an appropriate plan of action.
 - a. Calling and conducting media briefings at the Town Hall.
 - b. Implementing the emergency policy decisions of the Town Council.
 - c. Directing the emergency operational response of the Town's services.
 - d. Requesting State or Federal Assistance.

B. The Town Solicitor:

1. During a major emergency, the Town Solicitor shall be represented at the Town Hall and provide guidance on formulating emergency policy decisions.
2. Keeping the Town's future legal interests in mind, the Gloucester Town Solicitor shall ensure that actions taken by the Town Council are based upon adequate legal foundations.
3. The Town Solicitor shall assist in the writing of emergency executive orders.

C. Fire Service:

Upon response to a hazardous material incident, the officer in charge shall determine the incident category and ensure that dispatch makes the appropriate notifications.

1. Determine or verify the type of material involved, and if possible, the nature of the hazard. Keep up wind, up-grade, and at a safe distance.
2. Give the fire dispatch center a situation report describing in brief terms what they see, what information they have been given, and what action they are taking. The situation report should be updated every 15 minutes or if the situation changes dramatically. The amount of product involved or the department's ability to handle the situation does not alter the fact that a hazardous material incident exists. When there is any doubt about the identity of a product it shall be considered hazardous until it has been identified and prevent to be otherwise.
3. Take appropriate action to mitigate the hazards, stabilize the situation, rescue any injured or trapped persons (without exposing first responders to hazardous chemicals) or evacuate

the area.

4. Ensure that the following agencies are notified: Gloucester Police Department, RI Department of Environmental Management (DEM), and the State Emergency Response Commission (SERC). Request additional support agencies as needed.
 5. Provide incident commander to coordinate initial response and take action to stabilize the situation. Set up unified command with Police Department, EMS, DEM, and EMA. At a fixed site, the incident commander will coordinate the emergency services' efforts and work jointly with the Facility Emergency Coordinator.
 6. Establish a command post, staging area, agency response area, security perimeter, hot zone. The location of these areas will be passed on to other responding agencies.
 7. Provide a Liaison Officer (LO) to set up the agency response area.
 8. Provide a Public Information Officer (PIO) or appoint a person to coordinate the press and electronic media at the scene.
 9. Standby scene as long as situation exists.
 10. Conduct decontamination as required upon the advice of the state Department of Environmental Management or Health Department.
 11. When the situation is stabilized, transfer the situation over to the state department of environmental management for clean-up operations. Fire Service personnel will standby and assist as required.
- D. Dispatch Center:
1. Dispatch the appropriate department based upon the information received.
 2. As soon as it has been determined that a hazardous material incident exists, contact the State Spill Hotline at 274-7745 to initiate the appropriate state response when authorized by the Incident Commander.
 3. Take necessary steps to warn municipalities and the public in the area effected when directed to do so by the Incident Commander.
 4. Have on hand an up to date evacuation plan and list of shelters and special populations for facilities with extremely hazardous substances.
- E. Police:
1. In coordination with IC, establish perimeter around incident, allowing no unauthorized persons into area.
 2. In coordination with IC, establish access coordination point for all to enter and exit.
 3. As necessary or as direct by the IC, conduct evacuations of the area at risk. Law enforcement officers will not be used in areas where the atmosphere is contaminated. They do not have the protective clothing and equipment to operate safely in these areas.
 4. Provide a person to the command post who can commit personnel to the situation and make decisions toward mitigation of the incident.
 5. Develop traffic flows for area and provide this information to the Liaison Officer.
- F. Planning Department (Town Planner or his designee):
1. Serve on the LEPC
 2. Collect information necessary for the development of site-specific contingency plans, such as population demographics, sensitive environmental data, and topography.

3. Provide maps, aerial photographs, and demographics to the Incident Commander for use in decision making during an actual emergency.
- G. Department of Public Works:
1. Determine and evaluate the effects of incident on public properties and roads.
 2. When required, provide a person to represent Public Works and act as a link to the IC during the incident.
 3. Coordinate the containment effort by damming, diking, ditching or other means necessary to prevent spread of contamination, as directed by the I/C.
 4. Assist in the decontamination of personnel, equipment, and the environment as required.
 5. Provide barricades for traffic control.
 6. Transport fuel for emergency vehicles at the scene of a long term incident.
- H. Gloucester Emergency Management Agency (Civil Defense):
1. Identify special needs people within the community that might require special assistance during an emergency.
 2. Staffing the emergency operations center (EOC), and ensuring staffing by other appropriate agencies.
 3. Obtaining resources as requested by the Incident Commander.
 4. General situation reports for the Chief Executive Officer (Town Council President), or state or federal authorities.
 5. Maintaining close coordination with the Red Cross and/or shelter managers regarding shelter operations; assisting with the procurement of shelter resources.
 6. Prior to an emergency, identify disabled citizens that might require special assistance during an emergency.
 7. Ensure that the community's emergency operating plan is reviewed and updated annually.
- I. School Department:
1. Upon request and in conjunction with the Red Cross/and/or I/C open congregate care shelters for evacuees when required.
 2. Establish feeding for evacuees in conjunction with congregate care shelters.
 3. Establish procedures within every school to rapidly implement sheltering in place protective actions.
- J. Bus Transportation Company:
1. When requested by the Incident Commander, provide school bus transportation for evacuees.
- K. Community Emergency Coordinator:
1. SARA Title III Section 303 requires the appointment of a Emergency Coordinator.
 2. The Community Emergency Coordinator shall be notified when available of all hazardous material emergencies within the Town, of a severe nature.
 3. Shall receive notifications from adjacent communities that a hazardous material incident has occurred which might impact Gloucester.
- L. Red Cross:
1. Open and operate shelter (s) for evacuees should residents in the community need to be

- evacuated.
 - 2. Upon request, provide canteen service for on-scene working personnel should incident be of long duration.
 - 3. Upon request, provide individual with radio to Incident Commander to represent and act as a link to Red Cross during the incident.
- M. RI Department of Environmental Management:
- 1. Representative of this agency is part of the unified command at Hazardous Material incidents.
 - 2. Determine degree of hazard to personnel and environment; provide this information to the IC.
 - 3. Determine degree and evaluate short and long term hazards to surrounding community, personnel, and the environment.
 - 4. When notified by the Fire Department that the incident is stabilized, approve the clean-up, salvage, decontamination and/or disposal operations.
 - 5. Ensure that the local, state, and federal law, codes, and regulations have been complied with prior to and during the incident.
 - 6. Determine and evaluate the airborne hazards caused by the incident.
- N. RI Emergency Management Agency:
- 1. Provide technical expertise.
 - 2. Provide wind speed and direction to the Incident Commander.
 - 3. Operate the state's mobile hazardous material response vehicle.
Provide communications and coordination among adjacent jurisdictions.
 - 4. Provide evacuation recommendations based upon computer air modeling programs and chemical reference library.
 - 5. Coordinate response from other state and federal agencies, such as State Police, National Weather Service, FEMA, EPA.
 - 6. Request assistance from the Federal Regional Response Team when incident exceeds capabilities of state and local resources.
 - 7. The RI EMA can provide an extensive library of technical information from on board books and computer databases, cellular computer modem linkages, and receipt of cellular fax from manufacturers.
- O. Industry:
- 1. Facilities storing any of the 360 extremely hazardous substances above the threshold planning quantity must name an employee as a "facility emergency coordinator".
 - 2. The facility emergency coordinator must participate in the community's planning process.
 - 3. Under Section 311/312 of SARA Title III, facilities must submit chemical inventory information annually, to the State, Local Emergency Planning Committee, and the local fire department.
 - 4. Facilities that do not have any extremely hazardous substance on site as defined by SARA Title III, but may present a risk to the community if there is a release of some other hazardous material, are requested to participate in the community planning process.
 - 5. A facility that is not involved in an incident may, at the request of state or local government,

provide assistance or advice in mitigating the effects of an actual or threatened release of a hazardous material (i.e. equipment or technical knowledge). The hazardous waste cleanup good Samaritan act (RI General Laws 23-19.8) provides that any person or facility that provides such assistance shall not be subject to civil liabilities or penalties of any type.

P. Wastewater (Glocester Public Works Dept.):

1. Determine and evaluate the effect the incident will have on sewer and drainage systems and best methods to prevent contamination or damage to sewer systems.
2. Take necessary steps to ensure that sewer and drainage systems are not contaminated and, if contamination occurs, prevent contamination or damage to sewer systems.
3. Take necessary steps to ensure that drainage systems are not contaminated and, if contamination occurs, to oversee decontamination and cleanup.
4. Assist in evaluation of potential impact on public health and safety if any sewer or storm system.
5. Serve as a member of the Local Emergency Planning Committee.
6. Ensure that local laws, codes, and regulations with regard to hazardous materials and environment have been complied with prior to and during an incident.

V. ADMINISTRATION AND LOGISTICS:

A. Logistics is the function that acquires and maintains the necessary resources to resources to support the overall incident management. The Town of Glocester should use those resources under their control prior to accessing outside supplies. State agencies will provide logistical support to responding agencies within the capabilities of their resources. For major incidents, the RI EMA may activate the state's disaster response mechanism (ie: the state emergency operations center)

to address resource shortfalls.

VI. AUTHORITIES AND REFERENCES

A. Authorities

1. As outlined in the Basic Plan of the EOP,
2. Superfund Amendments and Reauthorization Act of 1986, SARA Title III,
3. Executive Order Number 87-6.1, Governor, State of Rhode Island.

B. References

1. NRT-1. National Response Team Hazardous Materials Emergency Planning Guide, March 1987.

SAMPLE RADIO ANNOUNCEMENTS

A. Shelter in Place

"At (time) today, local authorities reported a chemical accident at _____. All persons in (names of areas) should remain inside their homes or some other closed building until you receive further instructions that say you can leave safely. If you are in this area, turn off heating and cooling systems and window or attic fans. Close all windows, doors, and vents and cover cracks with tape or wet rags. Keep your pets inside.

Again, please stay inside until the all clear is given. Do not use the telephone unless you have an emergency. Stay tuned to this station for further information".

B. All Clear

The chemical emergency at (location) is over. Please open your windows and doors to ventilate the building and go outside.

C. Evacuate

At (time) today, local authorities announced a chemical emergency at (location) in Glocester. All persons in (identify areas) should evacuate the area in an orderly manner. (Provide general evacuation routes).

School officials have made arrangements to evacuate students to a safe location. Parents should not drive to the school to pick up their children.

If you are disabled, please call _____ for transportation assistance.

ADOPTED by the Town Council on September 15, 1994.

Barbara E. Robertson, Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-06

**POLICY OF THE GLOCESTER RECREATION COMMISSION
GLOCESTER MEMORIAL PARK**

Please observe the following regulations:

The Park is open between sunrise and sunset.

Posted speed limits shall be strictly enforced.

The possession of any alcoholic beverages is prohibited.

All animals shall be on a leash and under the control of the owner.

Camping, fishing, hunting and trapping are prohibited.

The possession of any type of weapon is prohibited.

All fires and grills are prohibited.

All litter shall be deposited in the marked receptacles.

Disturbance of any natural materials - whether animal, vegetable or mineral - is prohibited.

No snowmobiles or off-road vehicles are permitted.

No person shall deface any structure, sign, or other public property.

No person shall use profane or indecent language, or in any manner annoy another person or neighbor, or commit any disorderly or indecent act within the limits of the park.

ADOPTED by the Town Council on October 19, 1995.

Barbara E. Robertson, CMC, Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-07

RULES OF PROCEDURE

ARTICLE 1. PURPOSE

The Town of Glocester adopts these Rules of Procedure to:

1. establish procedures for the execution of the responsibilities of various Town boards, commissions and committees, hereinafter referred to as "boards," as established and delegated by the Glocester Town Council;
2. facilitate processing and review of applicable permits, licenses, applications, certifications and other documents as may be required by the various Town boards;
3. promote a better understanding of decisions and opinions issued by the various Town boards;
4. provide a mechanism for reviewing permits, licenses, applications, certificates and other documents with respect to maintaining the objectives of the current Comprehensive Community Plan, as updated and amended, and other goals and objectives ordained by the Town Council.

ARTICLE 2. OFFICE AND MEMBER DUTIES

A. Members of all various Town boards shall be appointed as provided for in the Town Ordinance.

B. Chairperson of the Town board shall:

1. preside at all meetings, hearings and workshops of the body of which she/he is Chairperson, ensuring that all meetings are held in an orderly, efficient fashion, and that all interested parties have the opportunity to be heard;
2. decide all points of order and questions of procedure, subject to these Rules, unless a majority of the members in session directs otherwise;
3. appoint any sub-committees, from the membership of their own board, necessary to investigate any matter before the board;
4. be responsible for the development of a proposed budget for the board, submitted in accordance with procedures developed by the budget committee and approved by the Town Council;
5. be responsible for the preparation of an annual report of the activities of the board during the preceding calendar year, including, but not limited to, a record or catalogue of all decisions and opinions issued by the board regarding the granting or denial of all applications made, proposed and

adopted rules of procedure and standards of review, the effect of the year's activities in the Town, the attendance of members, any training sessions attended by any of the membership, financial statements, and any other pertinent data. This report shall be distributed to the Town Council for their review no later than March 1, and shall be placed on file in the Town Clerk's office for public viewing within a reasonable time period thereafter;

6. in the event of the absence of the Recording Clerk, arrange for a substitute to perform duties under ARTICLE 2E; and
7. conduct all meetings, hearings and workshops in accordance with Rhode Island Open Meetings Laws.

C. Vice-Chairperson.

The Vice-Chairperson shall serve as the Chairperson of the Town board in the absence of the Chairperson. At such times, the Vice-Chairperson shall have the same powers and duties as the Chairperson.

D. Secretary (optional)

Duties as determined by the board.

E. Recording Clerk. (appointed by the Town Council)

The Recording Clerk shall:

1. prepare, under the direction of the Chairperson, the recording of written opinions, approvals, disapprovals, findings and conditions for each application, pre-applications or consultations;
2. ensure that the appropriate Town board(s) and/or staff are notified in a timely manner of all opinions, approvals, disapprovals, findings and conditions for applications, pre-applications and consultations;
3. ensure that applicants receive written notification in advance of meeting dates and of written opinions, approvals, disapprovals, findings and conditions for applications, pre-applications and consultations;
4. prepare meeting agendas in consultation with the Chairperson and appropriate staff, and ensure that the public notice of each meeting is properly advertised and posted in accordance with RI Open Meetings Laws;
5. prepare and maintain records of meetings, hearings, workshops and reviews; and
6. ensure as far as reasonably possible that records are readily available for public-viewing, in accordance with RI Open Meetings Laws.

F. Conflict of Interest.

No member shall take part in any process, hearing, opinion or decision of any application, pre- application or consultation in which the member has or appears to have a personal, professional or financial interest. In a situation where a conflict of interest arises, it shall be the responsibility of that member having the conflict of interest to disclose such conflict for the record. That member shall withdraw from proceedings during any and all discussion of the item presenting the conflict.

G. Attendance of Meetings.

If any member fails to attend three (3) consecutive duly scheduled meetings of the board, or is absent from one-half or more of such meetings in a calendar year, the Chairperson shall:

1. request that the Town Council declare the position vacant; and
2. request that the Town Council act to fill the position at the next Town Council meeting.

ARTICLE 3. MEETINGS

A. Notification and Cancellation.

All various Town boards shall establish a schedule of regular meetings for the entire calendar year following the month in which annual election of officers occurs. Annually, each board shall post the schedule of regular meetings in Town Hall, in accordance with RI Open Meetings Laws. The agenda of each meeting of the board shall be posted in the Town Hall at least 48 hours prior to such meeting. The agenda shall contain, for each item, the owner's and applicant's names, AP and lot number(s), citation of the ordinance and a brief description of what the board is being asked to act upon or discuss. When the board has no matters pending, the Chairperson may cancel a regularly scheduled meeting by notifying all members not less than 48 hours prior to the time set for the meeting and shall post a notice of cancellation in the Town Hall at least 48 hours in advance of the time of the meeting.

The Chairperson may call a special meeting of the board at any time, provided that a regular quorum of the members so consent, not more than two weeks, nor less than one week prior to the time of such meeting. Special meetings of the board shall be posted in the same manner as regularly scheduled meetings of the board.

Agendas shall be mailed to applicants appearing on such agendas at least seven (7) days prior to the time of such meeting. The Recording Clerk shall mail the agendas as a courtesy and to ensure that applicants are notified in writing of such meetings at which their attendance (or that of their representative) is required. The agenda shall indicate that the Order of Business may be altered by a majority vote of the board.

B. Voting.

For the purposes of decision-making, each member of the board shall have one vote. A board member may (and must) abstain from a vote in the case of a conflict of interest.

C. Quorum.

An affirmative vote of a simple majority of the board members shall be required to make any decision or formally conduct any business, except where otherwise specified by law. In the event that there are not sufficient members present to make decisions at a meeting, any member present shall announce such to the public audience and so inform the audience that a special meeting will be called to hear the items on the agenda. No new items will be added to the agenda for the special meeting. Such meetings will be advertised and conducted in accordance with the provisions of ARTICLE 3A of this document.

D. Order of Business

The board shall hold all meetings open to the general public. Regular and special meetings of the board shall utilize the following order of business as appropriate:

1. Call to order by the Chairperson.
2. Roll call, or some means of introduction of members in attendance;
3. Reading, by request of any member, and amendment, if necessary, and acceptance of the minutes of the previous meeting(s);
4. Committee or relevant reports (other than project review);
5. Old Business, including continued applications;
6. New business, including new formal applications and petitions;
7. Informal or pre-application consultations;
8. Open forum;
9. Adjournment.

E. Records.

The board shall keep written records of its meetings, deliberations and decisions. The Recording Clerk of

the body shall have the primary responsibility for keeping the records. The board may also require a verbatim, recorded or stenographic record.

The board shall maintain written minutes available for public inspection in Town Hall, in accordance with RI Open Meetings Laws. Minutes shall show the vote of each member on each question, and shall indicate, as well, abstentions and absences. At a minimum, minutes shall also contain:

1. listing of members present and absent;
2. listing of others present, specifically, staff, Town Solicitor public agency staff, applicants and/or their representatives;
3. reading and approval of minutes of the previous meeting(s);
4. summary of the agenda items, including a general description of relevant features/considerations;
5. summary of arguments and materials presented for each item, including supporting documents, objections and corrections;
6. summary of deliberations for each application, including a detailed reference to the standards or review criteria used;
7. findings of fact made, conclusions reached, and actions taken or motions made on each application or item of consideration.

The board shall forward a written summary of its deliberations, opinions, motions and actions to the applicant, the Building Official, Zoning Enforcement Officer, the Town Planner, and other applicable boards, and shall enter necessary information into the land evidence books, within fourteen (14) days following the meeting at which such deliberations were made, unless specifically required earlier to meet the requirements for meetings, hearings or workshops of other boards or the Town Council.

Unofficial minutes shall be available within 35 days of that meeting or at the next regularly scheduled meeting, whichever is earlier, unless the board, by majority vote, extends the time period for the filing of minutes and publicly states the reasons, in accordance with the Rhode Island Open Meetings Laws.

F. Order of Business. Formal.

The Town board's consideration of each formal application shall utilize the following order of business:

1. Chairperson's preliminary statement concerning the application, as read from the application form. In this statement, the Chairperson shall describe any special features to be considered;
2. Applicant's presentation of the project, arguments and material in support of the application. Applicant shall begin by stating his/her name and address, address of the land in question, and shall introduce any engineer, attorney or other representative present. This presentation shall be made to the board and public audience. Every effort shall be made to present the material in such a way that both the board and the public audience may hear, see and understand the verbal and graphic description of the proposed application and the impact of that application on the community;
3. Staff reports and comments, as applicable;
4. Comments from interested parties, abutters, etc.;
5. Public or private groups' comments or recommendations concerning the application;
6. Town board members' questions of the application, staff or review subcommittee (if applicable) concerning the application may be made throughout the process;
7. Chairperson's summary of the application, arguments and materials presented including finding of fact, objections and corrections of any party;

8. The board's deliberations over a motion to grant an application shall be based upon relevant goals and objectives of the Comprehensive Community Plan, Town Ordinances and other standards of review, including, but not limited to promoting the public health, safety, morals and general welfare of the Town of Glocester. Motions to grant an application shall include a specific reference to the standards of review under which the proposal has been judged, and may establish a reasonable time period for project completion.

G. Order of Business. Informal

The board shall use the following order of business when considering information or pre-application consultations or conceptual reviews:

1. The same order of business as in reviewing formal applications, with the exception that no motions are made on informal applications;
2. The applicant shall be given a clear understanding of the board's consideration of the appropriateness of the proposal, whether or not the proposal meets the board's standards of review that will be employed and any suggestions or modifications that the board feels appropriate.

ARTICLE 4. APPLICABILITY

These Rules shall apply to all Town boards, notwithstanding binding State legislation.

ADOPTED by the Town Council on September 14, 1989.

Barbara E. Robertson, Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-08

PROCUREMENT POLICY AND REGULATIONS

I. POLICY

- A. The procurement function for the Town of Glocester shall be conducted in accordance with the Home Rule Charter and Rhode Island General Laws, Title 45, Chapter 55 "Award of Municipal Contracts".
- B. The Director of Finance is designated as Purchasing Officer and shall exercise the powers and duties as set forth in the above mentioned Charter and Law.
- C. Procurements shall be made in such a manner as to insure that the Town of Glocester obtains supplies, services or construction at the best cost for the quantity and quality received.
- D. A Board of Contract and Purchase is established consisting of the Purchasing Officer and the Town Clerk as permanent members, and the Head of the Department, Office or Agency initiating the procurement as ad hoc member. The Board will be responsible for opening, evaluating and

recommending award of contract to the Town Council for all procurements over five thousand dollars (\$5000).

E. Incumbents of the following positions are authorized to initiate requisitions:

Town Council Members

Heads of Departments and Officers

Town Clerk

Chairpersons of Boards and Commissions with approved work allotments.

This authority may be delegated to cover emergency situations or for management efficiency.

Responsibility, however, will remain with the authorized allotment holder

AMENDED: January 19, 1995

F. All procurements shall be made in accordance with the Rules and Regulations set forth in Section II below and with Purchasing Procedures published by the Purchasing Officer.

II. RULES AND REGULATIONS:

A. Small Purchases:

Procurements, not to exceed an aggregate amount of five thousand dollars (\$5000) may be made by allotment holders in accordance with the following:

1. Estimated cost under five hundred dollars (\$500) - Purchase may be made based on one verbal quote or catalog price.
2. Estimated cost five hundred and one dollars (\$501) to one thousand dollars (\$1000):
 - a. Three (3) quotes (verbal or written) required prior to award whenever possible.
 - b. Files shall be maintained which show vendors and prices quoted. Retain for two (2) years.
3. Estimated cost one thousand and one dollars (\$1001) to five thousand dollars (\$5000):
 - a. Three (3) written quotations required prior to award whenever possible.
 - b. All documentation will be retained on file for a period of two (2) years.

B. Contracting above five thousand dollars (\$5,000).

1. Competitive Sealed Bidding:

- a. Contracts exceeding the amounts defined in Section II-A, Small Purchases, shall be awarded by competitive sealed bidding unless it is determined in writing by the Purchasing Officer that this method is not practicable. Factors to be considered in making this determination shall include:
 - 1) Whether specifications can be prepared that permit award on the basis of either the lowest qualified bid price or the lowest qualified evaluated bid price; and
 - 2) Whether the available sources, the time and place of performance and other relevant circumstances are appropriate for competitive sealed bidding.
- b. Invitations for bid (IFB) shall state whether award shall be made on the basis of the lowest bid price or the lowest evaluated or responsive bid price. If the latter basis is used, the objective measurable criteria to be utilized shall be set forth in the invitation for bids, if available.
- c. Public notice of the IFB shall be made not less than seven (7) days nor more than

twenty-one (21) days before the date set for the opening of the bids. The Purchasing officer may make a written determination that the twenty-one (21) day limitation needs to be waived. The written determination shall state the reason why the limitation is being waived and shall state the number of days, giving a minimum and maximum, before the date set for the opening of bids when public notice is to be given.

Public notice may be accomplished by publication in a newspaper of general circulation in Rhode Island, by direct solicitation of potential bidders or both. The goal is competition.

- d. Bids shall be opened publicly by the Board of Contract and Purchase at the time and place designated in the IFB. Each bid, together with the name of the bidder, shall be recorded and an abstract made available for public inspection. Subsequent to the awarding of the bid all documents pertinent to the award shall be made available, open to public inspection and retained in the bid file.
- e. The Board of Contract and Purchase in conjunction with the requisitioner shall evaluate the bids, and determine the responsive and responsible bidder whose bid is either the lowest qualified bid price or the lowest qualified evaluated or responsive bid price. Based on that determination the Board shall forward to the Town Council its recommendation for award. The contract shall be awarded with reasonable promptness by the Council and the successful bidder notified in writing.

2. Competitive Negotiation:

- a. When the Purchasing Officer determines in writing that the use of competitive sealed bidding is not practicable, and except as provided in Sections II-A and II-C, a contract may be awarded by competitive negotiation.
- b. Adequate public notice of the request for proposals (RFP) shall be given in the same manner as provided in paragraph B.1.C. above.
- c. Contracts may also be competitively negotiated when it is determined in writing by the Purchasing Officer that the bid prices received by competitive sealed bidding either are unreasonable as to all or part of the requirements, or were not independently reached in open competition, and for which;
 - 1) Each competitive bidder has been notified of the intention to negotiate and is given reasonable opportunity to do so; and
 - 2) The negotiated price is lower than the lowest rejected bid by any competitive bidder; and
 - 3) The negotiated price is the lowest negotiated price offered by a competitive offerer.
- d. The RFP shall indicate the relative importance of price and other evaluation factors.
- e. Award shall be made to the responsible offeror whose proposal is determined in writing by the Board of Contract and Purchase to be most advantageous to the Town taking into consideration price and the evaluation factors set forth in the Request for Proposals.
- f. Written or oral discussions shall be conducted with all responsible offerors who

submit proposals determined in writing to be reasonably susceptible of being selected to award. Discussions shall not disclose any information derived from proposals submitted by competing offerors. Discussion need not be conducted;

- 1) With respect to prices, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or
- 2) Where time of delivery or performance will not permit discussions; or
- 3) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with the particular supply, service, or construction item, that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the request for proposals notifies all offerors of the possibility that award may be made on the basis of the initial offers.

3. Negotiations After Unsuccessful Competitive Sealed Bidding:

- a. In the event that all bids submitted pursuant to competitive sealed bidding under Section II-B.1 result in bid prices in excess of the funds available for the purchase, and the purchasing officer determines in writing:
 - 1) That there are no additional funds available from any source so as to permit an award to the lowest responsive and responsible bidder; and
 - 2) The best interest of the Town will not permit the delay attendant to a resolicitation under revised specifications, or for revised quantities, under competitive sealed bidding as provided in Section II-B.1, then a negotiated award may be made as set forth in subsection b. or c. of this section.
- b. Where there is more than one bidder, competitive negotiations pursuant to section II-B.2 shall be conducted with the three (3) [two (2) if there are only two (2)] bidders determined in writing to be the lowest responsive and responsible bidders to the competitive sealed bid invitation. Such competitive negotiations shall be conducted under the following restrictions:
 - 1) If discussions pertaining to the revision of the specifications or quantities are held with any potential offeror, all other potential offerors shall be afforded an opportunity to take part in such discussions; and
 - 2) A request for proposals, based upon revised specifications or quantities, shall be issued as promptly as possible, shall provide for an expeditious response to the revised requirements, and shall be awarded upon the basis of the lowest bid price, or lowest evaluated bid price submitted by any responsive and responsible offeror.
- c. When after competitive sealed bidding, it is determined in writing that there is only one responsive and responsible bidder, a noncompetitive negotiated award may be made with such bidder in accordance with section II-c.

C. Sole Source Procurement and Emergency Procurements:

1. A contract may be awarded for a supply, service, or construction item without competition when the purchasing officer determines, in writing, that there is only one source for the

- required supply, service, or construction item.
2. Notwithstanding any other provision of the regulation, allotment holders may make emergency procurements where there exists a threat to public health, welfare or safety, or where the procurement will be in the best interests of the Town. Such emergency procurements shall be made with such competition as is practical under the circumstances and shall be documented for the file.
- D. Responsibility of Bidders and Offerors:
1. The Board of Contract and Purchase shall make reasonable inquiry to determine the responsibility of a bidder or offeror. The failure of a bidder or offeror to promptly supply information in connection with such an inquiry may be grounds for a determination of non-responsibility with respect to such bidder or offeror.
 2. Except as otherwise provided by law, information furnished pursuant to this section may not be disclosed outside of the Board of Contract and Purchase and the Finance Department without prior written consent of the bidder or offeror.
- E. Procurement of Goods and Services from Federal or State Contracts and Schedules:
Goods and Services which appear on Federal or State contracts have been through the competitive process. Procurements may be made against such contracts without regard to sections II-A through II-C.
- F. Staff Consultants:
The procurement of the services of an attorney, physician or dentist is exempt from the provisions of these regulations.

ADOPTED by the Town Council on September 16, 1993. AMENDED January 19, 1995

Barbara E. Robertson, Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-09

ILLEGAL DWELLING UNITS

The 1992 property revaluation revealed a number of dwelling units that are in violation of the Zoning Ordinance. Recognizing that the \$100. per day fine for such violation may inhibit homeowners from coming forth and bringing their property into compliance with the ordinance, the Town Council adopts the policy of reduced fines, for a limited period of time, effective April 14, 1994.

- A. Dwelling Unit of Record For the purposes of this policy and all zoning enforcement relating to the number of legal dwelling units contained within a structure, the unit of town record shall be the number of dwelling

units recorded on the 1982 tax assessor's file cards. All changes to the unit of record shall be recognized only with proof, satisfactory to the Town Council, in its sole discretion, together with the Gloucester zoning official's authorization. Such authorization shall be substantiated by either of the following:

1. Zoning official certificate of compliance with the Zoning Ordinance, or
2. Zoning Board of Review minutes indicating a vote to increase the number of dwelling units.

B. An Illegal dwelling unit shall be treated as having existed since one of the following dates:

1. January 1, 1983
2. The date of construction of such unit, but only when proof satisfactory to the Building Official exists. Examples of proof which may be satisfactory include:
 - a. a signed and dated contract for the work completed and proof of payment
 - b. a dated invoice for the purchase of substantially all of the materials used in construction of the illegal unit and proof of payment.

Determination of the number of years shall be based on existence of the unit as of December 31 of any of the last ten (10) years.

C. Grace Period

1. Any property owner wishing to have an existing illegal dwelling unit(s) approved by the Town Council as (a) legal dwelling unit(s) of town record shall pay a fine per unit as identified in "Grace Period Fines" in Section D below within ninety (90) days after this policy takes effect in addition to any back taxes owed, including interest and additional penalties.
2. During the grace period, any illegal dwelling unit located in a zone in which said dwelling unit may be allowed, may be legitimized by application of the owner of record of such unit to the Zoning Board of Review provided that such dwelling unit(s) meet(s) all state and local health, minimum housing, and building code standards, and further provided that all fees and back taxes, with any accrued penalties and interest, are paid to the Town within a time period satisfactory to the Town Council, in its sole discretion.

D. Schedule of Fines for Units Brought Into Compliance During the Grace Period

| Years Illegal | Grace Period Fees |
|------------------|----------------------|
| 1 | \$ 500.00 |
| 2 | \$1,000.00 |
| 3 | \$1,500.00 |
| 4 | \$2,000.00 |
| 5 | \$2,500.00 |
| 6 | \$3,000.00 |
| 7 | \$3,500.00 |
| 8 | \$4,000.00 |
| 9 | \$4,500.00 |
| 10 | \$5,000.00 |

E. This policy does not apply to any illegal units that have been determined by the Town Council, in its sole discretion, to have been created after December 31, 1992.

ADOPTED: by the Town Council on March 17, 1994 and EFFECTIVE April 14, 1994.

Barbara E. Robertson, CMC, Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-10

USE OF TOWN HALL POLICY

The Town Hall Building is a general purpose, public building used to conduct the usual and regular business of the Town of Glocester as directed and ordered by the Administrative body of the Town of Glocester, The Town Council.

Use by other groups than Town Departments, Boards and Commissions and other officially recognized governmental bodies is prohibited except as follows:

The Town Council may grant permission if the following stipulations are met:

1. The group is a non-profit, chartered group with community acceptance and applies at least 1 month in advance of the event.
2. The purpose of the use is related to the common welfare of the Town and/or its citizens and so stated in writing.
3. Use is limited to the common areas; i.e., hallways, Council Chamber, bathrooms and conference room.
4. No food and or beverage may be sold, served, or consumed on the premises during the event.
5. The group pays for an on duty custodian and cleanup costs.
6. The Town Hall is a "smoke free" facility.
7. If the event is held during Town Hall business hours, the event must not prevent the use of the Town Hall for citizens' business.
8. Security/Liability Insurance may be required.
9. The Town Council may impose such additional conditions as it may deem appropriate.

ADOPTED: by the Town Council on March 18, 1993.

Barbara E. Robertson, Town Clerk

THE COUNCIL OF THE TOWN OF GLOCESTER, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND HEREBY ORDAINS:

3-02-11

SEXUAL HARASSMENT POLICY

1. Policy

- 1.1 It is the policy of the Town of Gloucester to maintain a working environment that is entirely free of sexual harassment in any form. Supervisors, managers and all other employees, elected officials and appointees are absolutely prohibited from engaging in sexual harassment of Town of Gloucester employees, elected officials, appointees, visitors, and members of the general public. Sexual harassment is unlawful. Because sexual harassment can be destructive to morale as well as to the Town of Gloucester's reputation and because it can be extremely costly to the Town of Gloucester in terms of lost productivity, lost employees, and out-of-pocket expense, no act of sexual harassment can serve the Town of Gloucester or be incidental to any service on account of which any employee has been employed. Thus, any act or pattern of sexual harassment by any employee, elected official or appointee of the Town of Gloucester is beyond the scope of his or her authority as an employee, agent, supervisor or servant of the Town of Gloucester which may include the termination of employment or appointment. Such conduct will subject the employee, or appointee to discipline up to termination of employment or appointment.
- 1.2 The Town of Gloucester will administer all provisions of this policy without regard to race, color, religion, sex, sexual orientation, age, national origin, handicap, Vietnam-era veteran status, or disabled veteran status.

2. Scope

- 2.1 This policy applies to all employees, elected officials, and appointees of the Town of Gloucester.

3. Responsibility

- 3.1 The Gloucester Town Council has overall responsibility for this policy.
- 3.2 The Finance/Personnel Director is responsible for the implementation and daily administration of this policy.
- 3.3 Supervisory employees at all levels are responsible for implementing and enforcing this policy, and for assisting in investigating and processing complaints with the utmost priority and consideration for the rights of all concerned.
- 3.4 Every employee, elected official, and appointee is responsible for reporting to his/her supervisor or the Finance/Personnel Director or, if appropriate, the Town Council, any incident of sexual harassment that he/she witnesses or learns of. The Town of Gloucester will maintain the highest degree of confidentiality possible with respect to such reports, consistent with its obligation to investigate thoroughly all such reports.

4. Definition and Examples of Sexual Harassment

- 4.1 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or appointment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or appointment decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

4.2 Some examples of conduct towards employees, elected officials, or appointees prohibited by this policy include:

(A) Physical assaults of a sexual nature, such as:

1. Assault, rape, sexual battery, molestation or threats or attempts to commit these acts; or
2. Unwelcome intentional physical conduct, or threats of such conduct, which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another person's body, or poking another person's body.

(B) Unwanted sexual advances, propositions or other sexual comments, such as:

1. Sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience;
2. Giving rewards or promises of rewards for submitting to sexual conduct, or reprisals or threats of reprisal for refusal to submit to sexual conduct;

(C) Sexual or discriminating displays in the workplace such as:

1. Displaying or otherwise publicizing in the work environment materials that are sexually revealing, suggestive, demeaning or pornographic; or
2. Displaying signs or other materials purporting to segregate an employee, ~~elect~~ official, or appointee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).

(D) Retaliation against an employee, elected official, or appointee for making a complaint under this policy or for assisting or cooperating in an investigation of a complaint under this policy;

(E) Failure to cooperate fully with investigation of harassment complaints.

5. Issuance and Circulation of Policy Statement

5.1 The Finance/Personnel Director is responsible for publicizing this policy to all employees, elected officials, and appointees by inclusion in the Town of Gloucester's Employee Handbook.

5.2 The Finance/Personnel Director or his/her designee is responsible for developing a bulletin board notice to all employees, elected officials, and appointees for posting at the time that this policy is adopted by the Town of Gloucester. The notice will emphasize the importance of the policy to the Town of Gloucester, the obligation of every employee, elected official, or appointee to report any incident of sexual harassment, the availability of supervisors and administrative staff to receive such reports and the confidentiality with which these reports will be treated.

5.3 A copy of the Policy will be given to all current employees, elected officials, and appointees and new employees, elected officials, and appointees will be given a copy upon hire or commencement of duties. Employees, elected officials, and appointees will provide written acknowledgment that they have received the policy and understand its terms.

6. Employee Report and Investigation Procedure

6.1 Employees, elected officials, and appointees may report sexual harassment to any supervisor or manager, or directly to the Finance/Personnel Director, 1145 Putnam Pike, Chepachet, RI 02814, 401-568-3342, or, if the Finance/Personnel Director is involved in the allegation of sexual harassment, to The Gloucester Town Council, 1145 Putnam Pike, Chepachet, RI 02814, 401-568-1102.

6.2 The supervisor or manager will promptly inform either the Finance/Personnel Director or, if the Finance/Personnel Director is involved in the allegation of sexual harassment, the Gloucester Town Council of any report of sexual harassment.

6.3 The Finance/Personnel Director or The Gloucester Town Council or his/her/their designee, will thoroughly investigate the report of sexual harassment as promptly as possible, keeping the matter as confidential as is practicable. After investigation, he/she/they will take appropriate action in response to a proven instance of sexual harassment and the complaining employee, elected official, or appointee will be notified of the action taken. If, after investigation, the Finance/Personnel Director or The Gloucester Town Council is unable to conclude that any act of sexual harassment has occurred, he/she/they will meet with the complaining employee(s), elected official(s), appointee(s) and with the complained-against employee(s), elected official(s), or appointee(s) individually to explain both the results of the investigation and the Town of Gloucester's policy on sexual harassment.

6.4 It is the responsibility of every employee, elected official or appointee to cooperate fully with any investigation under this policy.

7. Statement of Range of Consequences

7.1 A. Sexual Harassment

1. Employees and appointees are subject to discipline, up to and including discharge, for any act of sexual harassment which is proven to the satisfaction of the Town of Gloucester.
2. The appropriate measure of discipline will be determined on the basis of the Town of Gloucester's assessment of the nature and severity of the misconduct, along with any other relevant factors.
3. For any act of sexual harassment or retaliation by an elected official the Council may take such remedial and other action as it considers appropriate, and within the scope of its authority. Such action may include referral of charges of sexual harassment to other agencies.

B. Retaliation

It is unlawful to retaliate in any way against an individual who has complained of sexual harassment or cooperated in an investigation of a complaint of sexual harassment. An employee or appointee may be disciplined, up to and including discharge, for any such act of retaliation. The appropriate measure of discipline will be determined on the basis of the Town of Gloucester's assessment of the nature and extent of the retaliation and any other relevant factors brought to the attention of the Town of Gloucester.

8. Enforcement Agencies

- 8.1 State and federal employment discrimination agencies are: the Rhode Island Commission for Human Rights, which may be contacted at 10 Abbott Park Place, Providence, RI, 02903 and the Equal Employment Opportunity Commission, which may be contacted at the Boston Area Office, One Congress Street, Suite 1001, 10th Floor, Boston, MA 02114.
- 8.2 State and federal agencies generally expect that employees, elected officials, and appointees will have first recourse to the procedures under an employer's sexual harassment policy in order to put a stop to sexual harassment or retaliation. It is the purpose of this Policy that normally no employee, elected official, or appointee should ever have to go to an outside agency in order to resolve any situation involving sexual harassment.

Barbara E. Robertson, CMC, Town Clerk

History of Policy: Adopted by the Town Council on May 16, 1996; amended October 15, 1998.