

PART II
CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS*

* **State Law References:** City to have and exercise existing powers and privileges, be subject to existing duties and liabilities, conferred or imposed by Charter or by special acts relating to it, G.L. 1956, § 45-2-1; scope of ordinances which may be enacted, G.L. 1956, § 45-6-1.

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Sec. 1-1. Designation and citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances of the City of Warwick, Rhode Island," and may be so cited.

(Code 1971, § 1-1)

Charter References: Corporate name, § 1-1; authority of council to enact ordinances, § 2-18 et seq.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

Charter. The terms "this Charter" and "Charter" mean the Charter of the City of Warwick, Rhode Island.

City. The terms "the city" and "this city" shall be construed as if the words "of Warwick, Rhode Island" followed them.

Code. The terms "Code" and "this Code" mean the Code of Ordinances of the City of Warwick, Rhode Island.

Computation of time. Unless otherwise specifically provided, the time within which an act is required by law to be done shall be computed by excluding the first day and including the last, except that the last shall be excluded if it is Sunday.

Corporate limits; corporation limits. The terms "corporate limits," "corporation limits" and "city limits" mean the legal boundary of the City of Warwick.

Council. The terms "council" and "city council" mean the city council of Warwick.

Councilmember. The term "councilmember" means any person elected to the office of councilmember.

County. The terms "the county" and "this county" mean Kent County, Rhode Island.

Delegation of authority. Whenever a provision appears requiring the head of a department or other officer of the city to do some act or to make certain inspections, it is to be construed to authorize the head of the department or other officer of the city, as the case may be, to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

Gender. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

In the city. The terms "in the city" and "within the city" mean and include all territory over which the city now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper; proprietor. The terms "keeper" and "proprietor" mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

Land. The terms "land" and "real estate" include rights and easements of an incorporeal nature.

Mayor. The term "mayor" means the mayor of the City of Warwick.

Month. The term "month" means a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. Words used in the singular number only either as descriptive of persons or things, shall extend to and embrace the plural number; and words used in the plural number shall extend to and embrace the singular number.

Oath. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples against taking an oath. An affirmation has the same effect as an oath.

Officer, department, board, commission or other agency. Whenever any officer, department, board, commission, or other agency is referred to by title only, such reference shall be construed as if followed by the words "of the City of Warwick, Rhode Island." Whenever, by the provisions of this Code, any officer, department or other city agency of the city is assigned any duty or empowered to perform any act or duty, reference to such officer, department or agency shall mean and include such officer, department or agency or deputy or authorized subordinate.

Or; and. The word "or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of such building or land.

Person. The term "person" shall extend and be applied to associations, societies, clubs, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property, as herein defined.

Preceding; following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real, personal and mixed estates and interests.

Public place. The term "public place" includes, without limiting the generality thereof, any park, cemetery, schoolyard or open space adjacent thereto, any lake or stream and any highway or street.

Real property. The term "real property" includes lands, tenements and hereditaments.

Shall/may. The word "shall" is mandatory; the word "may" is permissive.

Sidewalk. The term "sidewalk" means that part of the street exclusively reserved for pedestrians and constructed for such purpose.

Signature; subscription. The terms "signature" and "subscription" include a mark when the person cannot write.

State. The terms "the state" and "this state" mean the State of Rhode Island.

State law references. Whenever reference is made to the "General Laws" or "G.L. 1956," this shall mean the General Laws of Rhode Island, 1956. Whenever reference is made to "Public Laws" or "P.L.," this shall mean the Public Laws of Rhode Island.

Street. The terms "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city.

Tenant; occupant. The terms "tenant" and "occupant," applied to a building or land, include any person

holding a written or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written; in writing. The terms "written" and "in writing" include any representation of words, letters or figures, whether by printing or otherwise.

Year. The term "year" means a calendar year.
(Code 1971, § 1-2)

Sec. 1-3. Catchlines of sections; history notes and references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, or any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history notes appearing in parentheses after each section and the references and editor's notes scattered throughout the Code are intended as mere aids for the reader and are not an integral part of the Code.
(Code 1971, § 1-3)

Sec. 1-4. General penalty; continuing violations.

Except as otherwise provided for in this Code, whenever in this Code or in any other ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, the violation of any such provisions of this Code or any ordinance shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 30 days. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense. The municipal court of the city may impose penalties as set forth in G.L. 1956, § 45-2-19, for all ordinances over which it has jurisdiction, except that the penalty for violations of sections 76-88 through 76-220 of chapter 76, pertaining to traffic, shall, unless specifically stated otherwise in such sections, be a fine of \$30.00, and such fines may be paid by mail unless otherwise indicated.
(Code 1971, § 1-4)

Cross References: Imposition of penalties by municipal court, § 42-10.

State Law References: Jurisdictional limits of municipal court, G.L. 1956, § 45-2-19; general penalty for violation of ordinances, G.L. 1956, § 45-6-2; penalty for violation of sewer authority rules and regulations, P.L. 1962, ch. 254; special penalties for violation of certain Code provisions, G.L. 1956, § 45-6-6.2.

Sec. 1-5. Recovery of fines and penalties; disposition of funds.

All fines and penalties for the violation of this Code or other city ordinances, rules or regulations shall be recoverable by complaint and warrant, or other appropriate legal process, and when recovered shall inure to the use of the city, unless otherwise specially provided by general law or the ordinance respecting the same.
(Code 1971, § 1-5)

Sec. 1-6. Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable, and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph, or section.

(Code 1971, § 1-6)

Sec. 1-7. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

(Code 1971, § 1-7)

Sec. 1-8. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed.

(Code 1971, § 1-8)

Sec. 1-9. Copies of ordinances, orders and resolutions to be furnished departments affected thereby.

Whenever any ordinance, order or resolution of the city council affecting any department of the city government shall have become operative, the city clerk shall send to the head of the department affected thereby a copy of such action of the city council. Such department head shall keep all such ordinances, orders or resolutions permanently on file.

(Code 1971, § 1-9)

Sec. 1-10. Meetings of city boards on election days.

Notwithstanding any other ordinance to the contrary, no city board, agency or committee shall schedule and/or conduct a meeting on the same date as any primary, general or special election, unless required to do so by state or federal law or in case of an emergency.

(Ord. No. O-00-40, § I, 11-15-00)

Sec. 1-11. Holding more than one elected office prohibited.

Except where authorized by City Charter or state or federal law, no person shall simultaneously hold more than one elected governmental office in the city.

(Ord. No. O-02-25, § I, 12-10-02)

Sec. 1-12. Hold-over appointments to boards and commissions.

Whenever a term of office has expired for a position on any city board or commission, the appointing authority must make an appointment for the expired position no later than 30 days after the expiration of the term. If the new appointee is not confirmed, in those cases where confirmation is required, or if the new appointee fails to qualify or otherwise fails to take office, then the appointing authority must submit the name of a new appointee within 30 days after the date on which confirmation was denied or the date on which the appointee failed to qualify or otherwise failed to take office. The name of a person who has not been confirmed or qualified or otherwise fails to take office, may not be submitted for appointment to the same board for a period of one year after the date on which the confirmation was denied, or the date on which the person failed to qualify or the date on which the person otherwise failed to take office. This procedure for appointment shall be repeated until a person is appointed, confirmed if necessary, and qualified to hold the position whose term had expired.

(Ord. No. O-03-9, § I, 6-23-03)