

Chapter 22

GARBAGE, DEBRIS AND RUBBISH*

* **Cross References:** Buildings and building regulations, ch. 8; housing code requirements regarding rubbish and garbage disposal facilities, § 26-146; littering prohibited in public facilities, § 58-4.

State Law References: Requirement that city provide for refuse disposal, G.L. 1956, § 23-46-1 et seq.; authority to establish regional disposal authority, P.L. 1967, ch. 126; P.L. 1967, ch. 208.

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ARTICLE I.

IN GENERAL

Sec. 22-1. Unlawful dumping generally.

No person shall dump, deposit or discard any refuse, rubbish, waste, glass, broken ware, tin cans,

so-called garbage, filth or trash of any kind upon public or private property within the confines of the city, except at such places as are properly designated for such purpose by the city council.
(Code 1971, § 8-1)

Sec. 22-2. Dumping sludge or dredge material.

(a) *Approval required.* No sludge or dredge material shall be stored or dumped within the city which shall include but not be limited to the jurisdictional limits of the harbor boundary established in the city harbor management plan without first obtaining the approval of the city council after public hearing and notice thereon.

(b) *Recommendations; conditions.* Any request or application for approval of the storage or dumping of dredge materials shall be submitted in writing to the director of city planning who shall investigate the application as to feasibility and impact to the city and its residents. Upon completion of his or her review, the director of city planning shall submit a written recommendation to the city council as to the request or application, including but not limited to, the impact of the proposed, storage or dumping, the environmental consequences of any such storage or dumping, and the effect upon public health safety and welfare. The city council in granting approval, or reviewing any recommendation may set conditions on said approval or application, which it deems necessary to secure the public health, safety and welfare.
(Code 1971, § 8-1.1; Ord. No. O-01-4, § I, 4-9-01)

Sec. 22-3. Dumping garbage or refuse in city drainage system.

No person shall dump garbage, rubbish, trash or debris in any public drainage pipe, catchbasin, dry well or other public drainage system.
(Code 1971, § 8-1.2)

Sec. 22-4. Hazardous waste--Disposal in public drainage system prohibited.

It shall be unlawful for any person to dispose of any hazardous waste in any public drainage pipe, catchbasin, dry well or other public drainage system.
(Code 1971, § 8-1.3)

Cross References: Sewers and sewage disposal, ch. 66.

Sec. 22-5. Same--Defined.

"Hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment.

Such wastes include, but are not limited to, those which are toxic, corrosive, or flammable, irritants, strong sensitizers, substances which are assimilated or concentrated in and are detrimental to tissue, or which generate pressure through decomposition or chemical reaction.

(Code 1971, § 8-1.4)

Sec. 22-6. Same--Duty to report spills.

It shall be the duty of every person having knowledge of the release, discharge, spill or escape of a hazardous material as defined in this chapter to immediately report said release, discharge, spill or escape to the city fire department and city police department.

(Code 1971, § 8-1.5)

Sec. 22-7. Dumping chemicals or other materials; dumping sewage.

No person shall dump, deposit or discard any refuse, rubbish, materials or chemicals, including but not limited to carcinogenic materials, on public or private property; provided, further, that sewage or the contents of any sewage or septic system shall not be dumped or discharged in locations or in manners other than as designated by the city sewer authority.

(Code 1971, § 8-2)

Sec. 22-8. Protective enclosure or cover required for excavations, holes or pits; removal of protective cover.

(a) To protect the health, welfare and safety of the residents of the city, every excavation, well, cesspool, garbage disposal pit, hole, pit or cavity exceeding two feet in depth shall be guarded or protected by fencing or other means of enclosure, or shall be covered by the owner of the land where the work of excavating is proceeding or where the excavation, hole, pit or cavity is located.

(b) No person shall remove the cover, guard or other protective device and leave unguarded any well, cesspool, garbage pit or other excavation as aforesaid.

(Code 1971, § 13-1)

Cross References: Excavations, § 70-41 et seq.

Sec. 22-9. Throwing debris on highway; snow removal.

No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle, or likely to deface the beauty or cleanliness of the highway, nor shall any person in removing snow from any driveway, public or private, leave the same in any condition so as to constitute a hazard on the highway.

(Code 1971, § 22-54)

Sec. 22-10. Penalty.

Whoever violates any of the provisions of this chapter, upon conviction thereof, shall be punished as provided by G.L. 1956, § 45-6-6.2. Each day of such violation shall constitute a separate offense.

(Code 1971, § 8-5)

Secs. 22-11--22-30. Reserved.

ARTICLE II.

COLLECTION

Sec. 22-31. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Combustible rubbish means all combustible matter usually discarded as worthless or of little value, such as paper, rags, cardboard, excelsior, straw, old clothes, wood and the like.

Garbage means waste, worthless, or rejected foods, and the waste part of meats and vegetables which are disposed of as of having no value or fit only for animals.

Noncombustible rubbish means all nonburnable matter usually discarded as worthless, such as glassware, crockery, tin cans, metals, and any and all other wornout or discarded articles that cannot be burned.
(Code 1971, § 8-15)

Cross References: Definitions generally, § 1-2.

Sec. 22-32. Location of garbage and rubbish containers.

No owner or occupant shall locate any container, whether for garbage, combustible rubbish or noncombustible rubbish, in any place unsatisfactory to the director of public works, or in any place closer than five feet to any lot line, and any such receptacle shall not be stored in any position in front of the house line, other than on collection days, as its permanent location.

(Code 1971, § 8-16)

Sec. 22-33. Rubbish containers required; capacity and weight; placement for collection.

It shall be the duty of every owner or his/her agent or occupant of any premises within the city to provide a vessel or vessels, or container or containers, for container-sized combustible rubbish and for container-sized noncombustible rubbish. The owner or his/her agent or occupant shall place or cause to be placed such containers for the purpose of having such contents removed at the curb on the days designated for collection. Such containers shall not exceed 32 gallons by volume and the maximum weight of the container and contents shall not exceed 100 pounds. For those persons with disabilities preventing them from placing rubbish at the curb and unable to cause such placement by a tenant or family member, the director of public works shall collect said person's rubbish regardless of the location.

(Code 1971, § 8-17)

Sec. 22-34. Placement of rubbish larger than container size.

Any rubbish, whether combustible or noncombustible, which is larger than container size shall be placed at or near the curb on the collection days designated for such rubbish.

(Code 1971, § 8-18)

Sec. 22-35. Garbage receptacle required; garbage to be drained and wrapped.

The owner or occupant of any premises where garbage shall accumulate shall provide a covered, watertight receptacle on such premises for such garbage and shall deposit or cause to be deposited all such garbage in such receptacle. Such garbage, before being so deposited, shall be thoroughly drained and wrapped and tied in substantial paper. All garbage containers in business and commercial establishments shall be covered at all times.

(Code 1971, § 8-19)

Sec. 22-36. Garbage to be deposited only in garbage receptacle.

No person shall deposit any garbage in any other place than such garbage receptacle as herein prescribed.

(Code 1971, § 8-20)

Sec. 22-37. City collection service.

Except for those establishments listed in section 22-38 the director of public works shall provide for the removal of all garbage and rubbish of any type in accordance with a schedule of collections and departmental regulations to be promulgated by the director of public works. The director of public works reserves the right to refuse collection of garbage and rubbish removal if departmental regulations are violated.

(Code 1971, § 8-21)

Sec. 22-38. Collection from business and industrial establishments, apartments and condominiums.

Nothing contained in this article shall be construed or taken to mean that the city will collect garbage of any type at industrial and business establishments, including any apartment or condominium complex in excess of three units in any single location. Arrangements suitable to the director of public works with private contractors will have to be made by the establishment concerned.

(Code 1971, § 8-22)

Sec. 22-39. Collection from residential dwellings.

The city shall provide trash collection and related services for residential dwellings.

(Code 1971, § 8-21.1)

Sec. 22-40. Use of city facilities or services to dispose of nonresidential waste; misrepresenting origin of waste.

No person, either resident or nonresident, shall use the facilities or services provided by the city to dispose of any garbage, debris, rubbish or recyclable materials which do not originate with or are not substantially related to residential use. Any individual misrepresenting the origin of the garbage, debris, rubbish or recyclable materials is subject to the penalties of this chapter. All industrial and business establishments must comply with section 22-38.

(Ord. No. O-95-31, § I, 10-10-95)

Sec. 22-41. License for collection of waste or operation of transfer station.

(a) In order to promote the satisfactory separation, handling and transportation of waste in the city, no person shall engage in the collection of garbage, debris, rubbish or waste of any kind without first obtaining a license for such purpose from the director of public works. This provision shall not apply to any person in the employ of and operating a vehicle owned by the person producing such wastes. The director of public works shall establish regulations as to routes of travel to and from the solid waste transfer and disposal facilities by all such licensed collectors and may also establish such other regulations as he/she deems necessary for the protection of the public. All such licenses shall be conditioned upon compliance with such regulations.

(b) All qualified persons or entities engaged in the business of collection or hauling of solid waste within the boundaries of the city shall be licensed by the director of public works. The fee for such license shall be as provided in chapter 18.

(c) All qualified persons or entities engaged in the business of operation of a transfer station for the handling of solid waste or recyclable materials, as defined in this chapter, where such person or entity handles in excess of 2,000 pounds per month, shall be licensed by the director of public works, and the fee for such license shall be as provided in chapter 18.

(d) The permit fee may be waived by the director for qualified nonprofit organizations as defined by the Internal Revenue Service.
(Code 1971, § 8-23)

Sec. 22-42. Duty to remove trade and commercial waste before vacating premises.

It shall be the duty of every person to remove from the premises all commercial and trade wastes before vacating same, and to dispose of them in the manner and at such places as approved by the building inspector.
(Code 1971, § 8-24)

Sec. 22-43. Hours of collection.

No person, firm or corporation shall collect garbage, debris, rubbish or waste of any kind between the hours of 9:00 p.m. and 7:00 a.m. without prior written authorization of the director of the department of public works of the city; provided, however, that on Sundays and legal holidays no garbage, debris, rubbish or waste of any kind shall be collected before 8:00 a.m. or after 9:00 p.m.
(Code 1971, § 8-25)

Secs. 22-44--22-70. Reserved.

ARTICLE III.

STORAGE OF RUBBISH, TRASH, DEBRIS AND LITTER

Sec. 22-71. Purpose and intent.

The council of the city finds and declares that:

(1) The city has a history and reputation for well-kept properties, and that the property values and

the general welfare of this community are founded, in part, upon the appearance and maintenance of properties.

- (2) There now appears need for further emphasis on the maintenance of public and private property in a clean, litter-free and debris-free condition because locations throughout the city have been found to have been the sites of littering, illegal dumping and accumulated garbage, refuse and rubbish.
- (3) That the existence of such conditions is injurious and inimical to the public health, safety and welfare of the residents of this city and contributes substantially and increasingly to the problems of the necessity for expenditures for protection against hazards and diminution of property values, prevention of crime and the preservation of the public health, safety and welfare and the maintenance of police, fire and accident protection; and that such problems are becoming increasingly direct and substantial in significance and effect; and that the uses and abuses of property as described herein reasonably relate to the proper exercise of the police power in the protection of health, safety and welfare of the public.
- (4) That unless corrective measures are taken to alleviate such existing conditions and particularly to avoid future problems in this regard, the public health, safety and general welfare, and specifically the property values and social and economic standards of this community, will be depreciated; that the elimination of such conditions will enhance the appearance and value of such properties rather than be a burden on the owners thereof; and that elimination of such conditions will also appreciate the values and appearance of neighboring properties and benefit the use and enjoyment of properties in the general area and will improve the general welfare and image of the city.

(Code 1971, § 8-43)

Sec. 22-72. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Elements means and includes any element, whether created by nature or created by man/woman, which with reasonable foreseeability could carry litter from one place to another. "Elements" shall include, but not be limited to, air currents, rain, water currents and animals.

Garbage means all waste, animal or vegetable, such as, but not limited to, waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, roominghouses and boardinghouses, and all other deleterious substances.

Litter means and includes any uncontainerized manmade or man-used waste which, if deposited within the city otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the people of the city. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other construction material, motor vehicle parts, furniture, oil, carcasses of dead animals, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

Refuse means waste, rubbish, garbage, trash or any material of any kind that has been discarded, rejected, cast aside or thrown away as worthless, except body wastes.

Rubbish means nonputrescible solid wastes such as, but not limited to, ashes, paper, cardboard, tin cans, clippings, trimmings, wood, glass, bedding, crockery, plastics, rubber byproducts, litter, machinery, inoperative, wrecked, junked or dismantled motor vehicles, vehicle parts, junk and other discarded items.

Trash means rubbish such as feathers, coffee grounds, ashes, tin cans, paper, boxes, glass, wood, shrubs, yard clippings, leaves, tree trimmings and similar matter.
(Code 1971, § 8-44)

Cross References: Definitions generally, § 1-2.

Sec. 22-73. Accumulations of garbage, refuse or litter declared public nuisance.

The accumulation of garbage, litter, refuse, rubbish, trash and other deleterious substances on the premises of private residences, commercial institutions and in the streets and alleys greatly increases the danger of fire and spread of infections, contagious and epidemic diseases, causes diminution in value of other property in the neighborhood, and shall hereby constitute a public menace and nuisance. Every owner, operator and occupant of property in the city, developed or undeveloped, shall maintain said property free from garbage, litter, refuse, rubbish and trash as the same are hereinabove defined.

(Code 1971, § 8-45)

Sec. 22-74. Junked vehicles.

No owner, operator or occupant of any building, structure, dwelling or dwelling premises, and no operator or owner of any motor vehicle herein described, shall keep, park, store or leave any inoperative wrecked, junked or dismantled motor vehicle of any kind, or parts thereof, on any premises within the city, except in connection with a legally operated enterprise. For the purposes of this section, the term "inoperative" shall mean any motor vehicle that is either unregistered or has no valid inspection sticker. Nothing herein contained shall be construed to prohibit any person from maintaining or repairing his/her own motor vehicle on his/her own premises in a manner not otherwise prohibited by law.

(Code 1971, § 8-46)

Sec. 22-75. Maintenance of litter collection and storage areas.

Every owner or occupant or lessee of a house or building used for residential, business or commercial purposes shall maintain litter collection and storage areas in a clean condition and ensure that all litter is properly containerized. Failure to maintain clean litter collection and storage areas shall constitute a violation of this section.

(Code 1971, § 8-47)

Sec. 22-76. Duty to collect litter before it is carried from premises.

All litter that is subject to movement by the elements shall be secured by the owner of the premises where it is found before the same is allowed to be removed by the elements to adjoining premises.

(Code 1971, § 8-48)

Sec. 22-77. Neglected premises.

It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter, refuse, rubbish, trash, and the growth of weeds and/or grasses to a height of one foot or over (ornamental grasses excepted). All properties within the city that are held in trust for public use, either for open space or active or passive recreation, either owned by the city or held privately, that are held in trust or in conservancy, are exempted from these provisions. All properties within the city that are subject to the regulations and provisions of the state department of environmental management or the state coastal resources management council are exempted from these provisions.
(Code 1971, § 8-49; Ord. No. 0-96-16, § I, 4-15-96)

Sec. 22-78. Maintenance of areas around business premises.

The owner or person in control of any public place, including, but not limited to, restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects and gas stations, shall at all times keep the premises clean of all litter, refuse, rubbish and trash, and shall take measures to prevent the same from being carried by the elements to adjoining premises. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of such premises so as to permit it to accumulate litter, refuse, rubbish, trash, and the growth of weeds and/or grasses to a height of one foot or over (ornamental grasses excepted). All properties within the city that are subject to the regulations and provisions of the state department of environmental management or the state coastal resources management council are exempted from these provisions.
(Code 1971, § 8-50; Ord. No. 0-96-17, § I, 4-15-96)
Cross References: Businesses, ch. 10.

Sec. 22-79. Refuse container maintenance.

It shall be unlawful to maintain open refuse containers or receptacles or containers which are inadequate for the volume of refuse generated at the premises which the containers serve. It shall be the responsibility of the property owner and/or tenant and/or person in responsible charge of the premises to assure that containers are adequate and covered, and that the area surrounding the containers is kept free and clear of garbage, refuse, rubbish, trash and litter. It shall be unlawful for any owner and/or operator and/or tenant to allow such garbage or refuse containers or receptacles to be overloaded or the contents thereof to remain in unsecured containers. In the event the contents of such containers shall become blown or scattered upon any public street or way, or upon or over nearby premises, the owner and/or operator and/or tenant of the premises served by such container or receptacle shall be responsible for gathering up any such blown or scattered material.
(Code 1971, § 8-51)

Sec. 22-80. Upsetting or tampering with receptacles.

No person shall cause the removal, upsetting, mutilation or defacing of or tamper with litter receptacles or cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises.
(Code 1971, § 8-52)

Sec. 22-81. Inspections.

(a) The department of building inspection and/or division of minimum housing and/or the director of the department of public works or his or her designee shall make, or cause to be made, inspection trips at regular intervals to determine compliance with the provisions of this chapter. In the event a violation of these provisions is discovered, said department of building inspection and/or division of minimum housing and/or the director of the department of public works or his or her designee shall immediately take action to cite the owner and/or operator and/or tenant of the premises so found in violation by written citation served upon said owner and/or operator and/or tenant by any building inspector or minimum housing inspector or the director of the department of public works or his or her designee by personal service or by mail at the home or business address of such owner, operator or tenant.

(b) For the purposes of this section, an offense shall be considered to have occurred on the first day for which a violation is cited, and the offender shall be subject to the penalty provisions hereinafter set forth in sections 22-82 and 22-83 for that day and for each succeeding day on which the violation continues unabated. (Code 1971, § 8-53; Ord. No. O-06-11, § I, 5-8-06)

Sec. 22-82. Penalty; suspension of penalty.

(a) Whoever shall be found in violation of any of the provisions of this article shall be punishable with a fine not exceeding \$600.00 for each offense or by imprisonment not exceeding six months, subject to the terms of section 22-83 below. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(b) Except as to chronic violators, as hereinafter defined in section 22-83, the department of building inspection and/or division of minimum housing is authorized to suspend the penalty provisions set forth herein upon a finding that the conditions existing in violation of the requirements of this article have been corrected within five days of the date that notice of violation was served upon the owner and/or tenant and/or operator of the premises. (Code 1971, § 8-54)

Sec. 22-83. Chronic violators.

Whoever shall be found in violation of the provisions of this article on three or more occasions within a 12-month period shall be deemed a chronic violator and shall be punishable with a fine of not less than \$50.00 and not more than \$600.00 for each offense. Every violation shall be counted in determining whether this section is applicable and not just three or more instances of the same type of violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Code 1971, § 8-55; Ord. No. O-01-5, § I, 4-10-01)

Sec. 22-84. Correction of violations by city--Authorized; costs to constitute lien.

Upon failure of the owner or owners of such premises to remedy the violation for which he/she has been cited under this article within 15 days after citation of violation as provided herein, then the building inspector shall proceed to have such violation remedied, and the cost thereof shall be and become a lien against such

property to the same extent and character as the lien for real estate taxes and with the same penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as obtained for tax liens.
(Code 1971, § 8-56)

Sec. 22-85. Same--Notice to owner; due date for payment of costs.

Upon completion of required work by the city as provided in section 22-84 hereof, notice thereof and of the cost assessed therefor shall be given to the owner in the same manner as prescribed for citations of violation in this article, and the sum assessed shall be due and payable 30 days after such notice of completion and cost, unless such assessment shall be appealed to the city municipal court prior to the expiration of said 30-day period.

(Code 1971, § 8-57)

Sec. 22-86. Landowner's responsibility for maintaining premises.

Notwithstanding anything to the contrary herein contained, the owner or owners of the premises found in violation of the provisions of this article shall be ultimately responsible for maintaining the premises in compliance herewith. Any fines or penalties assessed hereunder or any costs incurred by the city in enforcing these provisions shall be and become a lien against such property to the same extent and character as the lien for real estate taxes with the same penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as obtained for tax liens.

(Code 1971, § 8-58)

Sec. 22-87. Notices, certificates and other documents to be filed with city clerk.

Upon the making of a finding of a violation, the building inspector shall deliver a certified copy thereof and of the notice to the city clerk and the city clerk shall place the same on record as a lien against the property described therein. It shall also be the duty of the building inspector to file such other and further certificates as to work done and amounts due and/or paid as the circumstances may require.

(Code 1971, § 8-59)

Sec. 22-88. Appeals.

Any person found in violation of the provisions of this article shall have the right to appeal the finding of violation within 15 days of issuance of citation thereof, and any such person shall have the right to appeal the assessment of costs within 30 days of service of notice thereof. Such appeals shall be taken to the city municipal court.

(Code 1971, § 8-59.1)

Secs. 22-89--22-110. Reserved.

ARTICLE IV.

PAWTUXET RIVER PROTECTION

Sec. 22-111. Findings and policy.

The city council does hereby find that disposal of waste, garbage, trash and abandoned manmade objects along the banks of the Pawtuxet River constitutes a hazard to the public health, safety and general welfare of the people of the city. In recognition of the ever-increasing environmental problems resulting from the demands made upon the land and the renewable resources of the city, and in recognition of the need to preserve and protect one of the city's most valuable natural resources, the Pawtuxet River, it is hereby declared to be the policy of the city to provide for the preservation of the Pawtuxet River, the development of the water resources and the improvement of its water quality in order to prevent the impairment of dams and reservoirs by sediment or any waste material, and to protect wildlife and preserve the natural beauty of the river and its banks for the health, safety and general welfare of the people of the city. Nothing herein shall be inconsistent with laws or rules and regulations adopted by or for the state department of environmental management.

(Code 1971, § 8-60)

Sec. 22-112. Purpose.

It is the purpose of this article to:

- (1) Protect the environment, especially the Pawtuxet River and its environs, from the effects of improper or illegal disposal of waste;
- (2) Establish a program of regulation and enforcement to control and eliminate the improper or illegal disposal of wastes; and
- (3) Protect and promote public health and safety.

(Code 1971, § 8-61)

Sec. 22-113. Definitions.

As used in this article:

Dispose means the discharge, deposit, dumping, spilling, leaking, abandoning or placing of waste upon land protected by this article.

Occupier of land includes any person, firm or corporation who shall hold title to, or shall be in possession of, any lands lying within 200 feet of the Pawtuxet River, whether as owner, renter, lessee, tenant, municipality or otherwise.

Pawtuxet River includes the physical boundaries of the Pawtuxet River as well as the ponds, brooks, streams and tributaries that empty into the Pawtuxet River, as the same are located in the city.

Waste includes the following:

- (1) *Construction waste.* Any building materials and refuse resulting from construction, remodeling and repair operations on any type of structure. It shall also include any pavement or concrete disposed of as a result of construction or otherwise.

- (2) *Demolition waste.* Any material generated from the destruction or razing of any building or structure.
- (3) *Bulky waste.* Any large items, including, but not limited to, appliances, furniture, automobile parts, shopping carts, tree stumps, tires and abandoned automobiles.
- (4) *Solid waste.* Garbage, refuse and other discarded materials generated by any sources whatsoever, other than materials that result from sewage by a person holding a valid Rhode Island Pollutant Discharge Elimination System (RIPDES) permit from the department of environmental management.

(Code 1971, § 8-62)

Cross References: Definitions generally, § 1-2.

Sec. 22-114. Disposal of waste by occupier of land.

It shall be unlawful for any occupier of land to dispose of or deposit or allow to be disposed or deposited any waste on any property located in the city which is within 200 feet of the Pawtuxet River. Any person found in violation of this section, or who shall counsel, aid or abet any person in the violation of this section, shall be punishable as provided in section 1-4. Each day of noncompliance shall be a separate violation of this section.

(Code 1971, § 8-63)

Sec. 22-115. Disposal of waste on land of another.

It shall be unlawful for any person not an occupier of land to dispose or deposit any waste upon the property of another located in the city which is within 200 feet of the Pawtuxet River. Any person found in violation of this section or who shall counsel, aid or abet any person in the violation of this section shall be punishable as provided in section 1-4. Each day of noncompliance shall be a separate violation of this section.

(Code 1971, § 8-64)

Sec. 22-116. Presumption of responsibility for violation.

In any prosecution or proceeding hereunder, the land evidence records of the city shall constitute prima facie evidence that the owner of the property was the person who disposed or deposited waste material upon the property where such violation occurred.

(Code 1971, § 8-65)

Sec. 22-117. Notice of violation.

(a) Once a complaint has been brought to or by the police under section 22-114, a notice of violation shall be sent to the person involved. Said notice may be hand delivered by a police officer or mailed certified mail, return receipt requested. Refusal to accept the certified mailing shall be deemed to constitute prima facie evidence of its receipt.

(b) Upon receipt of said notice, the person involved shall remove the violating waste from the property within 30 days of receipt of the notice.

(c) Failure to comply with the notice of violation within 30 days will result in prosecution for

violation of this article.

(d) Nothing contained herein shall prohibit the immediate arrest and prosecution of any person found in violation of section 22-114, whether or not a notice of violation was issued.

(e) The notice of violation, once served upon the person involved, shall be recorded in the land evidence records of the city in the same manner as a notice of violation for minimum housing standards. If the person notified is not the property owner, the property owner shall be served with a copy of the notice of violation, which shall be plainly identified as a copy.

(Code 1971, § 8-66)

Sec. 22-118. Severability.

If any provision, paragraph, sentence, word or section of the ordinance from which this article is derived shall be invalidated by any court of competent jurisdiction, the remaining paragraphs, sentences, words or sections shall not be affected, and shall remain in full force and effect.

(Code 1971, § 8-67)

Secs. 22-119--22-140. Reserved.

ARTICLE V.

RECYCLING

Sec. 22-141. Findings and policy.

The city council does hereby find that disposal of articles which can be recycled is contrary to the public interest, and it is hereby declared to be the policy of the city to require recycling of materials. Nothing herein shall be inconsistent with laws or rules and regulations adopted by or for the state department of environmental management.

(Code 1971, § 8-80)

Sec. 22-142. Definitions.

As used in this article:

Occupier of land includes any person, firm or corporation which shall hold title to or shall be in possession of any property from which municipal collection of recyclable materials is made, whether as owner, renter, lessee, or tenant.

Recyclable materials includes the following:

- (1) *Glass*. Rinsed whole bottles and jars, free from cooking ware, plate glass, safety glass, lightbulbs, ceramics and nonglass materials. Caps, lids and any type of top are not included, although labels may remain.

- (2) *Tin cans.* Steel and tin-coated steel cans, said cans being empty, rinsed, dried and with no labels.
- (3) *Aluminum.* Aluminum cans, containers, and foil.
- (4) *Newspapers.* Dry and bundled by string or dry and placed in brown paper bags. This term shall not include glossy insert sections and does not include magazines or other types of paper.
- (5) *Plastic containers.* All #1 and #2 plastic bottles and jugs, such containers being emptied, rinsed and dried with no caps or lids.
- (6) *Mixed paper.* Mail, junk mail, writing and computer paper, magazines, catalogs, stationery, etc. Material shall be placed in a brown paper bag.
- (7) *Corrugated cardboard.* Emptied, flattened and bundled securely with string in sizes no greater than three feet by three feet and less than eight inches wide.
- (8) *Boxboard.* Includes cereal boxes, spaghetti boxes, empty paper towel rolls, etc. Material shall be placed in brown paper bags.

(Code 1971, § 8-81; Ord. No. 0-96-6, § I, 2-12-96)

Cross References: Definitions generally, § 1-2.

Sec. 22-143. Compliance with article.

It shall be unlawful for any person or occupier of land to dispose of recyclable materials in violation of this article.

(Code 1971, § 8-82)

Sec. 22-144. Separation of recyclable materials.

The owner or occupier of any premises where garbage shall accumulate shall separate recyclable materials from all other garbage, debris, and rubbish and shall place such recyclable material at curbside for collection in a container provided by the city. If there are more recyclable materials than can be held in the container provided, it is hereby required that those excess recyclable materials be flattened or bagged and marked "recyclables" and that the same be placed adjacent to the recycling container. The responsibility of the city to provide a special recycling container shall be limited to one such container.

(Code 1971, § 8-83)

Sec. 22-145. Tampering with recyclable material.

No person other than the owner thereof, or a duly authorized agent of the city, shall examine, disturb, interfere with or remove any of the contents of officially designated receptacles containing recyclable materials placed by said owner at curbside for collection and removal by the department of public works or its duly authorized agent. Recyclable material, once placed at curbside, is the property of the city.

(Ord. No. 0-96-10, § 1, 2-20-96)

Sec. 22-146. Violation; penalty.

Any person who violates this article, or who shall fail, neglect, or refuse to comply with the provisions of this article, shall be punished by a fine of \$50.00 for the first offense. A second offense shall constitute a fine of \$100.00 and for a third offense, a fine of \$250.00 shall be imposed. Each day such violation of this article shall occur shall constitute a separate offense.

(Ord. No. 0-96-10, § 1, 2-20-96)

Secs. 22-147--22-170. Reserved.

ARTICLE VI.

LEAF AND YARD WASTE COLLECTION AND RECYCLING PROGRAM

Sec. 22-171. Program established; collection schedule.

A collection program with mandatory source separation of certain leaf and yard waste material from the garbage or trash by the residents of the city and the collection of these yard waste materials is hereby established. The collection of the source-separated compostable leaf and yard waste materials shall be made periodically under a schedule promulgated by the director of public works.

(Code 1971, § 8-95)

Sec. 22-172. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Backyard composting means composting of leaf and yard waste on the property of a resident in a bin or pile constructed for this purpose, or, in the case of grass clippings, by leaving the material on the lawn after mowing.

Barrels means specially marked clean refuse containers no larger than 50 gallons and weighing no more than 55 pounds. Barrels are to be furnished by residents.

Brush means deciduous and coniferous branches, clippings and vines not more than five feet long and three inches in diameter.

Composting means a process of accelerated biodegradation and stabilization of organic material under controlled aerobic conditions yielding a product which can be used as a soil amendment.

Leaf and yard waste collection season means the period from April 1 through December 15 of each calendar year.

Leaves means deciduous and coniferous seasonal deposition.

Paper leaf bag means a paper sack of approximately 30-gallon capacity, with standard dimensions of 16 inches by 12 inches by 35 inches as per the specifications set by the public works department. Paper leaf bags are available for residential purchase.

Project manager means the individual ultimately responsible for the compost project as designated by the director of public works.

Resident means anyone residing in the city who generates solid waste at a location for which the city accepts responsibility for disposal.

Yard waste means grass clippings, weeds, hedge clippings, garden waste and wood chips (less than two inches in diameter).
(Code 1971, § 8-96)

Cross References: Definitions generally, § 1-2.

Sec. 22-173. Separation of compostable leaf and yard waste required; containers; placement for removal.

(a) *Implementation of program.* The city hereby implements a mandatory yearround leaf, yard waste and brush source-separation program for the purpose of composting in accordance with the city's commitment to resource recovery.

(b) *Containers; placement for removal.* During the leaf and yard waste collection season, residents shall place the leaf and yard waste material into paper leaf bags or barrels, as defined herein. Brush shall be bundled and tied in lengths no longer than five feet. The paper bags, barrels and bundled brush shall be placed on the curbside in accordance with this article on the collection days specified by the department of public works and advertised in the local newspapers. No plastic bags containing leaf and yard waste shall be accepted for collection at any time during the year.

(c) *Other materials prohibited in bags and barrels.* No material other than leaf and yard waste materials shall be placed in the bags or barrels.

(d) *Use of plastic bags prohibited; mixing leaf and yard waste with other waste.* Compostable leaf and yard waste material shall not be placed in plastic trash bags during the leaf and yard waste collection season. Leaves and yard waste shall not be placed in the same refuse containers as, or otherwise mixed with, other forms of solid waste for collection, removal or disposal.

(e) *Acceptable closures for bags and barrels.* No tape will be accepted as a method for closure of any paper leaf bag or barrel, as defined herein. Staples, string, or open paper leaf bags or barrels are acceptable.
(Code 1971, § 8-97)

Sec. 22-174. Disposal of residential leaf and yard waste at municipal recycling facility.

(a) *Availability.* A yearround voluntary dropoff site shall be available to residents for leaf, brush and yard waste disposal, the hours of operation of which shall be set by the director of public works or the project manager.

(b) *Preparation generally.* Residents shall prepare leaf, brush and yard waste materials in accordance with section 22-173, unless otherwise provided in this section.

(c) *Use of plastic bags.* Residents may use plastic bags to transport leaf and yard waste material to the city municipal recycling facility, provided the materials are removed from the plastic bags by residents prior

to disposing of such material at the facility.

(d) *Brush.* Residents disposing of brush shall not be required to secure the brush in bundles prior to disposal.

(e) *Waste from commercial, industrial, agricultural and institutional sources.* Commercial, industrial, agricultural and institutional leaves, brush and yard waste shall not be eligible for disposal at the municipal recycling facility without prior purchase of applicable disposal permits. Such enterprises shall purchase facility permits from the city's recycling office at the department of public works.
(Code 1971, § 8-98)

Sec. 22-175. Noncompliance.

(a) In the event a resident fails to comply with any requirements of section 22-173, the director of public works or the project manager shall refuse to collect the leaf and yard waste material and the resident shall be required to immediately remove from the curb all leaf and yard waste material and prepare it in compliance with this article for the next scheduled pickup.

(b) In the event a resident fails to comply with the municipal recycling facility dropoff requirements, the director of public works or the project manager shall refuse to accept the leaf and yard waste material, and the resident shall be required to immediately remove such leaf and yard waste material.
(Code 1971, § 8-99)

Sec. 22-176. Residential composting.

The city hereby promotes and encourages voluntary residential backyard composting of organic material for the purpose of reducing the volume of residential solid waste in accordance with the city's commitment to resource recovery. Information on backyard composting shall be supplied by the department of public works upon request.
(Code 1971, § 8-100)

Secs. 22-177--22-179. Reserved.

ARTICLE VII.

BUCKEYE BROOK PROTECTION

Sec. 22-180. Findings and policy.

The city council does hereby find that disposal of waste, garbage, trash and abandoned manmade objects along the banks of the Buckeye Brook constitutes a hazard to the public health, safety and general welfare of the people of the city. In recognition of the ever-increasing environmental problems resulting from the demands made upon the land and the renewable resources of the city, and in recognition of the need to preserve and protect one of the city's most valuable natural resources, the Buckeye Brook, it is hereby declared to be the policy of the city to provide for the preservation of the Buckeye Brook, the development of the water resources and the improvement of its water quality in order to prevent the impairment of dams and reservoirs by sediment

or any waste material, and to protect wildlife and the herring run and preserve the natural beauty of the Buckeye Brook and its banks for the health, safety and general welfare of the people of the city. Nothing herein shall be inconsistent with laws or rules and regulations adopted by or for the Rhode Island Department of Environmental Management and the Rhode Island Coastal Resources Management Council.

(Ord. No. O-04-27, § I, 12-14-04)

Sec. 22-181. Purpose.

It is the purpose of this article to:

- (1) Protect the environment, especially the Buckeye Brook and its environs, from the effects of improper or illegal disposal of waste;
- (2) Establish a program of regulation and enforcement to control and eliminate the improper or illegal disposal of wastes; and
- (3) Protect and promote public health and safety.

(Ord. No. O-04-27, § I, 12-14-04)

Sec. 22-182. Definitions.

As used in this article:

Buckeye Brook includes the physical boundaries of the Buckeye Brook, Old Mill Creek, Mill Cove as well as the ponds, brooks, streams and tributaries that empty into the Buckeye Brook, Old Mill Creek, Mill Cove as the same are located in the city.

Dispose means the discharge, deposit, dumping, spilling, leaking, abandoning or placing of waste upon land protected by this article.

Occupier of land includes any person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency who shall hold title to, or shall be in possession of, any lands lying within 200 feet of the Buckeye Brook.

Waste includes the following:

- (1) *Construction waste.* Any building materials and refuse resulting from construction, remodeling and repair operations on any type of building, structure, highway, stormwater basin, underground stormwater galley, stormwater drainage system or utility. It shall also include any pavement or concrete disposed of as a result of construction or otherwise.
- (2) *Demolition waste.* Any material generated from the destruction or razing of any building or structure.
- (3) *Bulky waste.* Any large items, including, but not limited to, appliances, furniture, automobile parts, shopping carts, tree stumps, tires and abandoned automobiles.

- (4) *Solid waste.* Garbage, refuse and other discarded materials generated by any sources whatsoever, other than materials that result from sewage by a person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency holding a valid Rhode Island Pollutant Discharge Elimination System (RIPDES) permit from the Rhode Island Department of Environmental Management.
- (5) *Stormwater discharges for industrial sources.* Stormwater discharges generated by industrial sources as defined by the Rhode Island Department of Environmental Management, other than that resulting by a person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency holding a valid Rhode Island Pollutant Discharge Elimination System (RIPDES) permit from the Rhode Island Department of Environmental Management.

(Ord. No. O-04-27, § I, 12-14-04)

Sec. 22-183. Disposal of waste by occupier of land.

It shall be unlawful for any owner or occupier of land to dispose of or deposit or allow to be disposed or deposited any waste on any property located in the city which is within 200 feet of the Buckeye Brook. Any person found in violation of this section, or who shall solicit, counsel, aid or abet any person in the violation of this section, shall be punishable as provided in section 1-4 of the Warwick Code of Ordinances. Each day of noncompliance shall be a separate violation of this section.

(Ord. No. O-04-27, § I, 12-14-04)

Sec. 22-184. Disposal of waste on land of another.

It shall be unlawful for any person trust, firm, authority, corporation, municipality, state agency, or quasi-public agency not an owner or occupier of land to dispose or deposit any waste upon the property of another located in the city which is within 200 feet of the Buckeye Brook. Any person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency found in violation of this section or who shall solicit, counsel, aid or abet any person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency in the violation of this section shall be punishable as provided in section 1-4 of the Warwick Code of Ordinances. Each day of noncompliance shall be a separate violation of this section.

(Ord. No. O-04-27, § I, 12-14-04)

Sec. 22-185. Presumption of responsibility for violation.

In any prosecution or proceeding hereunder, the land evidence records of the city shall constitute prima facie evidence that the owner of the property was the person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency who disposed or deposited waste material upon the property where such violation occurred.

(Ord. No. O-04-27, § I, 12-14-04)

Sec. 22-186. Notice of violation.

(a) Once a complaint has been brought to or by the police under section 22-114, a notice of violation shall be sent to the person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency

involved. Said notice may be hand delivered by a police officer or mailed certified mail, return receipt requested. Refusal to accept the certified mailing shall be deemed to constitute prima facie evidence of its receipt.

(b) Upon receipt of said notice, the person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency involved shall remove the violating waste from the property within 30 days of receipt of the notice.

(c) Failure to comply with the notice of violation within 30 days will result in prosecution for violation of this article.

(d) Nothing contained herein shall prohibit the immediate arrest and prosecution of any person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency found in violation of section 22-114, whether or not a notice of violation was issued.

(e) The notice of violation, once served upon the person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency involved, shall be recorded in the land evidence records of the city in the same manner as a notice of violation for minimum housing standards. If the person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency notified is not the property owner, the property owner shall be served with a copy of the notice of violation, which shall be plainly identified as a copy. (Ord. No. O-04-27, § I, 12-14-04)

Secs. 22-187--22-189. Reserved.

ARTICLE VIII.

GREENWICH BAY WATERSHED PROTECTION

Sec. 22-190. Findings and policy.

The city council does hereby find that disposal of waste, garbage, trash and abandoned manmade objects in the Greenwich Bay Watershed constitutes a hazard to the public health, safety and general welfare of the people of the city. In recognition of the ever-increasing environmental problems resulting from the demands made upon the land and the renewable resources of the city, and in recognition of the need to preserve and protect one of the city's most valuable natural resources, the Greenwich Bay Watershed, it is hereby declared to be the policy of the city to provide for the preservation of the Greenwich Bay Watershed, the development of the water resources and the improvement of its water quality in order to prevent the impairment by sediment or any waste material, and to protect wildlife and to preserve the natural beauty of the Greenwich Bay Watershed and for the health, safety and general welfare of the people of the city. Nothing herein shall be inconsistent with laws or rules and regulations adopted by or for the Rhode Island Department of Environmental Management and the Rhode Island Coastal Resources Management Council. (Ord. No. O-07-05, § I, 5-15-07)

Sec. 22-191. Purpose.

It is the purpose of this article to:

- (1) Protect the environment, especially the Greenwich Bay Watershed and its environs, from the effects of improper or illegal disposal of waste;
 - (2) Establish a program of regulation and enforcement to control and eliminate the improper or illegal disposal of wastes; and
 - (3) Protect and promote public health and safety.
- (Ord. No. O-07-05, § I, 5-15-07)

Sec. 22-192. Definitions.

As used in this article:

Dispose means the discharge, deposit, dumping, spilling, leaking, abandoning or placing of waste upon land protected by this article without a building or other such permit from the City of Warwick.

Occupier of land includes any person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency who shall hold title to, or shall be in possession of, any lands lying within 200 feet of the Greenwich Bay Watershed.

Greenwich Bay Watershed includes the physical boundaries of the Greenwich Bay Watershed, including the ponds, brooks, streams and tributaries that empty into the Greenwich Bay Watershed as the same are located in the city.

Waste includes the following:

- (1) *Construction waste.* Any building materials and refuse resulting from construction, remodeling and repair operations on any type of building, structure, highway, stormwater basin, underground stormwater galley, stormwater drainage system or utility without a building or other such permit from the City of Warwick. It shall also include any pavement or concrete disposed of as a result of construction or otherwise.
- (2) *Demolition waste.* Any material generated from the destruction or razing of any building or structure without a building or other such permit from the City of Warwick.
- (3) *Bulky waste.* Any large items, including, but not limited to, appliances, furniture, automobile parts, shopping carts, tree stumps, tires and abandoned automobiles.
- (4) *Solid waste.* Garbage, refuse and other discarded materials generated by any sources whatsoever, other than materials that result from sewage by a person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency holding a valid Rhode Island Pollutant Discharge Elimination System (RIPDES) permit from the Rhode Island Department of Environmental Management.
- (5) *Stormwater discharges for industrial sources.* Stormwater discharges generated by industrial

sources as defined by the Rhode Island Department of Environmental Management, other than that resulting by a person, trust, firm, authority, corporation, municipality, state agency, or quasi-public agency holding a valid Rhode Island Pollutant Discharge Elimination System (RIPDES) permit from the Rhode Island Department of Environmental Management.

(Ord. No. O-07-05, § I, 5-15-07)

Sec. 22-193. Disposal of waste by occupier of land.

It shall be unlawful for any owner or occupier of land to dispose of or deposit or allow to be disposed or deposited any waste on any property located in the city which is within 200 feet of the Greenwich Bay Watershed. Any person found in violation of this section, or who shall solicit, counsel, aid or abet any person in the violation of this section, shall be punishable as provided in section 1-4 of the Warwick Code of Ordinances. Each day of noncompliance shall be a separate violation of this section.

(Ord. No. O-07-05, § I, 5-15-07)

Sec. 22-194. Disposal of waste on land of another.

It shall be unlawful for any person trust, firm, authority, corporation, municipality, state agency, or quasi-public agency not an owner or occupier of land to dispose or deposit any waste upon the property of another located in the city which is within 200 feet of the Greenwich Bay Watershed. Any person trust, firm, authority, corporation, municipality, state agency, or quasi-public agency found in violation of this section or who shall solicit, counsel, aid or abet any person trust, firm, authority, corporation, municipality, state agency, or quasi-public agency in the violation of this section shall be punishable as provided in section 1-4 of the Warwick Code of Ordinances. Each day of noncompliance shall be a separate violation of this section.

(Ord. No. O-07-05, § I, 5-15-07)

Sec. 22-195. Notice of violation.

(a) Once a complaint has been brought to or by the police under this article, a notice of violation shall be sent to the person trust, firm, authority, corporation, municipality, state agency, or quasi-public agency involved. Said notice may be hand delivered by a police officer or mailed certified mail, return receipt requested. Refusal to accept the certified mailing shall be deemed to constitute prima facie evidence of its receipt.

(b) Upon receipt of said notice, the person trust, firm, authority, corporation, municipality, state agency, or quasi-public agency involved shall remove the violating waste from the property within 30 days of receipt of the notice.

(c) Failure to comply with the notice of violation within 30 days will result in prosecution for violation of this article.

(d) Nothing contained herein shall prohibit the immediate arrest and prosecution of any person trust, firm, authority, corporation, municipality, state agency, or quasi-public agency found in violation of this article, whether or not a notice of violation was issued.

(e) The notice of violation, once served upon the person trust, firm, authority, corporation,

municipality, state agency, or quasi-public agency involved, shall be recorded in the land evidence records of the city in the same manner as a notice of violation for minimum housing standards. If the person trust, firm, authority, corporation, municipality, state agency, or quasi-public agency notified is not the property owner, the property owner shall be served with a copy of the notice of violation, which shall be plainly identified as a copy. (Ord. No. O-07-05, § I, 5-15-07)

Sec. 22-196. Severability.

If any provision, paragraph, sentence, word or section of the ordinance from which this article is derived shall be invalidated by any court of competent jurisdiction, the remaining paragraphs, sentences, words or sections shall not be affected, and shall remain in full force and effect.

(Ord. No. O-07-05, § I, 5-15-07)